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COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF

KANSAS TERRITORY,

FOR THE YEAR

1861:

COMMENCED AT THE CITY OF LECOMPTON JAN'Y 7TH,
AND ADJOURNED TO AND CONCLUDED AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

LAWRENCE, KANSAS:
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1861.

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COUNCIL JOURNAL.

LECOMPTON, K. T., }
January 7, 1861, 12 M. }

Council convened.

President Updegraff in the chair.

Present—Messrs. Christison, Elder, Hendry, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Updegraff and Woodward.

Absent—Messrs. Benton and Keeler.

Mr. Stewart presented the credentials of Nathan Price, member elect from the fifth Council District, vice Geo. M. Beebe, resigned.

Mr. Price appeared and took the oath of office.

On motion of Mr. Elder,

The Council adjourned until four o'clock, P. M.

JOHN J. INGALLS,
Secretary.

AFTERNOON SESSION.

Council convened.

Quorum present.

Message from the House :

MR. PRESIDENT :—I am directed by the House of Representatives to inform the Council that the House has adopted the following resolution:

Resolved, That a committee of three, on the part of the House of Representatives, to act in conjunction with a similar committee from the Council, be appointed to inform his Excellency, G. M. Beebe, Acting Governor of the Territory, that the two Houses are now fully organized and are ready to receive any communication that he may have to make to the Legislative Assembly of the Territory of Kansas.

Whereupon the following committee was appointed on the part of the House: Messrs. Roberts, Fairchild and Lines.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

The message was laid on the table.

Mr. Elder offered the following resolution, which was adopted:

Resolved, That the offices of the Council be, and the same are hereby, declared vacant. This resolution to take effect when their successors are elected and qualified.

Election of officers being in order,

On motion of Mr. Elder,

The Council proceeded to the election of a President.

Mr. Hendry nominated W. W. Updegraff, and

The vote being taken, *viva voce*, resulted as follows:

For Mr. Updegraff: Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas and Woodward —10.

For Mr. Christison: Mr. Mathias—1.

Mr. Updegraff having received a majority of all the votes cast, was declared duly elected.

Nominations for Secretary being in order,

Mr. Thomas nominated John J. Ingalls, and

The vote being taken resulted as follows:

For Mr. Ingalls: Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff and Woodward—11.

For Mr. Weir: Mr. Mathias—1.

Mr. John J. Ingalls having received a majority of all the votes cast was declared duly elected.

Nominations for Sergeant-at-Arms being next in order,

Mr. Elder nominated Mr. J. Y. Hewitt, and

The vote being taken resulted as follows:

For Mr. Hewitt: Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff and Woodward—10.

For Mr. Clarkson: Messrs. Christison and Mathias, and

Mr. Hewitt was declared elected.

Nominations for Doorkeeper being in order,

Mr. Stewart nominated Mr. C. L. Caldwell, and

The votes being taken resulted as follows:

For Mr. Caldwell: Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff and Woodward—11.

For Mr. Rankin: Mr. Mathias, and

Mr. Caldwell, having received a majority of all the votes cast, was declared elected.

Nominations for Assistant Secretary being in order,

Mr. Price nominated Jacob Stotler, and

The vote being taken resulted as follows:

For Mr. Stotler: Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff and Woodward—10.

For Mr. Daniel Scully—Messrs. Christison, Mathias.

Mr. Stotler having received a majority of all the votes cast, was declared duly elected.

Nominations for Enrolling Clerk being in order,

Mr. Thomas nominated B. B. Emmert, and the vote being taken resulted as follows:

For Mr. Emmert—Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff, Woodward.

For Mr. Allen—Messrs. Christison, Mathias; and

Mr. Emmert having received a majority of all the votes cast was declared duly elected.

Nominations for Engrossing Clerk being in order,

Mr. Lambdin nominated Mr. J. R. Lambdin, and

The vote being taken resulted as follows:

For Mr. Lambdin—Messrs. Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff, Woodward.

For Mr. Adams—Messrs. Benton, Christison, and Mathias; and

Mr. Lambdin having received a majority of all the votes cast was declared duly elected.

Nominations for Docket Clerk being in order,

Mr. Palmer nominated Mr. A. P. Smith, and

The vote being taken resulted as follows:

For Mr. Smith—Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff, Woodward.

For Mr. Thompson—Messrs. Christison, Mathias; and

Mr. Smith having received a majority of all the votes cast, was declared duly elected.

Nominations for Journal Clerk being in order,

Mr. Woodward nominated Mr. George E. Bates, and

The vote being taken resulted as follows:

For Mr. Bates—Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Updegraff, Woodward.

For Mr. Bucher—Messrs. Christison, Mathias; and

Mr. Bates having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Mathias,

The officers elect were sworn into office; the oath being administered to the President by by J. W. Jenkins, Notary Public of Douglas County, and by the President to the Secretary, Assistant Secretary, Sergeant-at-Arms, Enrolling, Docket, and Journal Clerks.

Mr. Elder offered the following resolution, which was adopted:

Resolved, That the Secretary be instructed to inform the House of Representatives, that the Council has organized by the choice of W. W. Updegraff, President; John J. Ingalls, Secretary; Jacob Stotler, Assistant Secretary; J. Y. Hewitt, Sergeant-at-Arms, and C. L. Caldwell, Doorkeeper; and are ready to proceed to business.

On motion of Mr. Elder,

The Message from the House was taken from the table, and

The Council concurred in the resolution therein contained.

Messrs. Elder, Mathias and Thomas, were appointed members of the Joint Committee to wait upon the Governor.

On motion of Mr. Lambdin,

The Council took a recess of thirty minutes.

The time for recess having expired, the Council assembled, and

Mr. Hendry moved that the Council adjourn till 7 1-2 o'clock, this evening.

Mr. Mathias moved to amend by inserting "10 o'clock to-morrow."

The amendment was lost.

The question recurring on the original motion, it was

Carried, and

At four o'clock and forty-five minutes, the Council adjourned.

EVENING SESSION.

SEVEN AND-A-HALF O'CLOCK.

Council convened.

President in the Chair.

Quorum present.

Mr. Thomas offered the following Preamble and Resolution, which was adopted:

WHEREAS, It is manifestly the intention of the Legislature to adjourn from Lecompton to some other place, to hold the remainder of the session; and

WHEREAS, It is understood that several different towns have each proposed to indemnify the Territory against expenses incident to removal; therefore,

Resolved, By the Council, the House concurring therein, That a Committee of three on the part of the Council, and five on the part of the House, be appointed to secure the necessary guaranty, and report to the two Houses at nine o'clock to-morrow morning.

The Chair appointed Messrs. Thomas, Mathias and Price, as the Committee on the part of the Council.

Mr. Mathias moved that the rules and regulations of the last Legislative Assembly, adopted January 19, 1860, be adopted for the government of the Council at the present session, until report can be made on the subject by committee.

Mr. Hendry moved to amend by excepting all that portion of the nineteenth section, between the word "present," in the second line, and "present" in the fourth line, and the twenty-eighth and fortieth sections.

Carried.

The original motion then prevailed.

Message from the House:

MR. PRESIDENT:—I am instructed by the House of Representatives to inform the Council that the House has passed a joint resolution entitled "A Joint Resolution to adjourn the present session of the Legislative Assembly to the City of Lawrence," in which the concurrence of the Council is requested.

Joint Resolution to adjourn the present Session of the Legislative Assembly to the City of Lawrence.

Resolved, By the Governor and Legislative Assembly of the Territory of Kansas, That, when we adjourn, we do adjourn to meet in the City of Lawrence, Kansas Territory, on the ninth day of January, A. D. 1861, at three o'clock, P. M.. to hold the remainder of the session, and that the Secretary of the Territory be requested to procure suitable rooms for the accommodation of the Legislative Assembly in said City of Lawrence.

Mr. Mathias moved to amend the resolution by striking out "Lawrence" and inserting "Leavenworth."

The yeas and nays being demanded, the vote resulted as follows:

Yeas, Messrs. Benton, Christison, Mathias, Palmer, Price, Thomas, Updegraff, Woodward—8.

Nays, Messrs. Elder, Hendry, Lambdin, Stewart—4.

And so the amendment prevailed.

Mr. Elder offered the following resolution, which was adopted:

Resolved, That the Sergeant-of-Arms of the Council be directed to call on the Secretary of the Territory, and procure the necessary stationery for the members and officers of the Council.

On motion of Mr. Palmer,

The joint resolution and amendment was made the special order for nine o'clock to-morrow morning.

On motion of Mr. Benton,

The Council adjourned until nine o'clock to-morrow morning.

JOHN J. INGALLS,
Secretary.

LECOMPTON, K. T.,
January 8, 1861, 9 A. M.

Council convened.

President in the Chair.

Roll called, and

Quorum present.

Journal of yesterday read and approved.

Joint Resolution, relative to removal, being the special order for this hour,

Mr. Benton moved to reconsider the vote by which "Lawrence" was stricken out, and "Leavenworth" inserted.

The yeas and nays being demanded,

The vote resulted as follows:

Yeas, Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Woodward—8.

Nays, Messrs. Christison, Mathias, Thomas, Mr. President—4.

And so the motion prevailed.

Mr. Benton moved to strike out "Lawrence" and insert "Atchison."

The yeas and nays being demanded,

The vote resulted as follows:

Yeas, Messrs. Benton, Christison, Mathias, Price—4

Nays, Messrs. Elder, Hendry, Lambdin, Palmer, Stewart, Thomas, Updegraff, Woodward—8.

And so the motion was lost.

The question being on the passage of the original resolution,

The yeas and nays being demanded,

The vote resulted as follows:

Yeas, Messrs. Elder, Hendry, Lambdin, Palmer, Stewart, Thomas, Updegraff, Woodward—8.

Nays, Messrs. Benton, Christison, Mathias, Price—4

And so the resolution was adopted.

Mr. Elder offered the following Preamble and Resolution, which was laid on the table:

WHEREAS, A practice has heretofore been established by the two Houses of the Legislative Assembly of the Territory of Kansas, to appropriate large sums of money, as extra pay of the officers of the two Houses, by resolution of its respective House; therefore,

Resolved, By the Council, (the House concurring therein,) That there shall be no moneys appropriated by either House, for extra pay of the officers of the two Houses, above the regular services of said officers, during the present session.

Mr. Updegraff (Mr. Thomas in the Chair,) offered the following Concurrent Resolution, which was adopted:

Resolved, By the Council, (the House of Representatives concurring,) That the Secretary of the Territory is hereby authorized to contract with parties in Lawrence for suitable accommodations for the Legislature, and shall require and receive a good and sufficient bond, to be approved by him, indemnifying the Territory against all expense in consequence of said removal; which bond he shall file in the office of the Treasurer of the Territory, and the obligors therein shall be liable for non-performance in whole or in part, and suit may be maintained to enforce

the conditions in said bond expressed, in any Court in this Territory having common law jurisdiction.

Mr. Elder gave the following notice:

I hereby give notice that I will, at an early day, introduce a Bill, giving to the Mortgager the right of redemption of real estate, sold under the provisions of law for the foreclosure of mortgages.

Mr. Updegraff gave the following notice:

I hereby give notice that I will, at an early day, introduce a Bill amending the law in relation to Public Schools.

On motion of Mr. Updegraff,

The Council took a recess of twenty minutes.

The time of recess having expired,

The Council was called to order by the President.

Message from the House:

MR. PRESIDENT.—I am directed to notify the Council, that the House of Representatives have concurred in the Concurrent Resolutions of the Council, without amendment.

ALFRED GRAY,
Chief Clerk.

Mr. C. L. Caldwell. Doorkeeper elect, appeared, and was sworn into office by the President.

On motion of Mr. Benton,

Mr. Christison was granted leave of absence.

On motion of Mr. Elder,

The Secretary was instructed to notify the House of Representatives, that the Council was ready to adjourn under the provisions of the Joint Resolutions.

On motion of Mr. Lambdin,

The Council adjourned, to meet at Lawrence, at three o'clock P. M., on January 9th, A. D., 1861.

JOHN J. INGALLS,
Secretary.

LAWRENCE, January 9th, 1861, }
THREE O'CLOCK P. M. }

Council convened pursuant to adjournment, and

Was called to order by the President.

The roll was called, and

Quorum present.

Mr. Ingalls, the Secretary, being absent,

D. B. Emmert was elected Secretary, *pro tem.*

On motion of Mr. Lambdin,

The reading of the minutes of yesterday

Was dispensed with.

Mr. J. R. Lambdin, Engrossing Clerk elect, appeared, and

Was sworn into office.

Mr. Elder, from the Joint Committee, on the part of the Council, to wait on his Excellency, Governor Beebe, to inform him of the organization of the two houses of the Legislative Assembly, reported that they have performed that duty, and that his Excellency would communicate to the two Houses, in Joint Session, on Thursday, at three o'clock P. M.

The report was received, and

The Committee discharged.

The President announced the following Standing Committees, of the Council, for the present session :

Judiciary—Messrs. Elder, Mathias and Hendry.
Ways and Means—Messrs. Palmer, Keeler and Woodward.
Militia—Messrs. Keeler, Thomas and Price.

Railroads—Messrs. Keeler, Woodward and Hendry.
Elections—Messrs. Elder, Christison and Benton.
Banks—Messrs. Thomas, Mathias and Benton.
Incorporations—Messrs. Mathias, Woodward and Thomas.
Counties—Messrs. Hendry, Keeler and Thomas
Legislative Expenditures—Messrs. Woodward, Keeler and Hendry.
Public Binding—Messrs. Christison, Elder and Benton.
Roads—Messrs. Benton, Mathias and Lambdin.
Phraseology—Messrs. Palmer, Price and Stewart.
Unfinished Business—Messrs. Benton, Christison and Stewart.
Engrossed Bills—Messrs. Price, Mathias and Stewart.
Enrolled Bills—Messrs. Stewart, Mathias and Price.
Accounts—Messrs. Lambdin, Christison and Woodward.
Agriculture—Messrs. Stewart, Christison and Lambdin.
Education—Messrs. Woodward, Mathias and Palmer.
Appropriations—Messrs. Lambdin, Christison and Palmer.

On motion of Mr. Elder,

The Council adjourned until two o'clock P. M., to-morrow.

D. B. EMMERT,
Secretary, pro tem.

THURSDAY, Jan. 10, 1861,
2 o'clock P. M.

Council convened pursuant to adjournment.

President in the chair.

Present—Messrs. Benton, Elder, Keeler, Lambdin, Mathias, Palmer, Stewart, Woodward and Mr. President.

Absent—Messrs. Christison, Hendry, Price and Thomas.

Journals of Tuesday and Wednesday read, and

Approved.

Mr. Mathias offered the following resolution, which was adopted:

Rseolved, That the Sergeant-at-Arms be and is hereby instructed to procure for each member of the Council a copy of the laws and journals of the last session.

Mr. Stewart offered the following resolution, which was adopted:

Resolved, That Henry Morrow be allowed the privilege of copying the journals of this House, each day, for the printer, and that he be required to take the same oath as Assistant Secretary.

Mr. Elder offered the following resolution, which was adopted:

Resolved, By the Council, the House concurring therein, that when the Council adjourn, it will adjourn to meet in Joint Session of the two Houses, in the hall of the House of Representatives, at three o'clock P. M., to receive the communication of his Excellency, the Governor.

Mr. Stewart offered the following Joint Resolution:

WHEREAS, The northern boundary of the Cherokee Neutral and Osage Indian Reservations, as reported by the former Surveyor General of Kansas and Nebraska, on a map exhibiting the surveys and boundaries of the several Indian Reservations in the Territory of Kansas, runs South of the fifth standard parallel twelve or thirteen miles, and eight or nine miles South of the true boundary, as run and established A. D. 1859; and

WHEREAS, Prior to that date a large number of settlers had gone on this strip, of eight or nine miles in width, and, in good faith, had made large and valuable improvements, in utter ignorance of committing a trespass on Indian Lands; and

WHEREAS, The Secretary of the Interior, in his recent report, for the purpose of securing these settlers in their homes, recommends Congress to pass a law authorizing this land to be surveyed and sold, as other public lands; therefore,

Resolved, by the Governor and Legislative Assembly of the Territory of Kansas, That the President and Congress of the United States, are most earnestly requested, in accordance with the recommendation of the Secretary of the Interior, to provide, by law, for their survey and sale, as public lands, and thus secure to the settlers on this strip, a legal possession of their homes.

Resolved, That the copies of the foregoing Preamble and Resolutions be signed by the Governor, President of the Council and Speaker of the House of Representatives, and forwarded to our Delegate in Congress, with a request that he cause one to be presented to the Senate, and one to the House of Representatives, and urge immediate action thereon.

Mr. Hendry gave the following notices:

I give notice that I will, on to-morrow, introduce a Bill to repeal an Act, entitled "An Act for the benefit of Livery Stable Keepers."

JAMES M. HENDRY.

I give notice that I will, on to-morrow, introduce a Bill to extend the time for the payment of taxes.

JAMES M. HENDRY.

On motion of Mr. Mathias,

The Council adjourned to meet the House in joint session.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, K. T.,
January 10th, 1861.

Gentlemen of the Legislative Assembly:

Charged with the grave responsibility of enacting laws for the government and protection of the people, and the promotion of the general welfare of the Territory, you are met under circumstances of no ordinary interest.

Of the resignation of the Hon. SAMUEL MEDARY, late Governor of the Territory, you are already apprised. Though, as a man, uncompromisingly devoted to the principles of that political organization with which he has been so long and prominently identified, as an officer he was to all alike courteous and impartial. Firm, faithful, and energetic in the discharge of his every duty, he rendered his administration the most prosperous period in the existence of the Territory. In retiring to private life, he leaves a people who remember him with sentiments of affection, and with whom it is a matter of regret that any cause should have existed, rendering necessary the step he has taken.

Section 21 of the Organic Act provides, that "in case of the death, removal, resignation or absence of the Governor from the Territory, the Secretary shall be, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor, during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy:" Therefore, by the resignation of the

late Executive, the powers and duties of that office are required to be performed by me.

In assuming the additional functions thus suddenly imposed, there is no requirement in its nature calculated to impress me with a more appreciative sense of the dignity and honor of my position, than is this one of submitting to you, gentlemen—so far as I have been able to ascertain it—the true condition of the affairs of the Territory, and of suggesting, in connection therewith, the propriety of such action with reference to the various matters demanding your attention as has, to me, seemed necessary for the correction of existing evils, and the advancement of our mutual interests as a people. If you shall not, in every instance, concur with me, and lend the authority of your approval to such recommendations as may be made herein, I shall, I doubt not, in the main, from a conviction of the superior wisdom of your proposed action, be prepared to sanction and complete such provisions as you shall deem better calculated to compass our one great mutual aim—the people's good.

Permit me to remind you, before entering upon the discharge of your Legislative duties, that it is of the first importance that you carefully review and fully understand the peculiarities of your position as members of the Legislative Assembly of a Territory; for, I cannot conceive that it is your desire to involve further trouble by the exercise of unwarrantable, or ever doubtful, prerogatives. While the Legislators of a State can refer for their authority to the written constitutions, established by themselves and their constituents, rendered clear and emphatic by the decisions of judicial tribunals chosen by their own people, you are left to determine, on your own responsibility, the extent of yours, from an enactment so difficult of demonstration, that neither its reputed author, nor any of its thousand volunteer expounders, have been able to explain it, even to the satisfaction of themselves; and, in forming your conclusions, it is your further misfortune to be subjected to the confusion resulting from a six years fight among a generation of politicians far more remarkable for hypocrisy, vindictiveness and corruption, than for sincerity, wisdom and patriotism.

Whatever may be the opinions entertained by you of the relative position of a Territory to the Federal Government, you cannot but admit that to the Organic Act alone you are to look for all the power and authority vested in you as the Legislative Assembly of the Territory of Kansas. By that enactment your legislative power is made "to extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of" the Act itself. Within the limit thus prescribed, your acts are valid and of force; beyond it they are of no effect whatever. This government, a part of which you are, is not the creation of the people over whom it operates; nor are they or you, *as represented in it*, possessed of any sovereignty whatever. That sovereignty is inherent in every people, is, indeed, true; but in each instance where there

exists a government, the power and authority of which is not the delegation of the people over whom it extends, the entire and complete destruction of such government is necessarily consummated by the assumption by such people of their sovereignty. For you, then, who have sworn to support the Organic Act, and maintain this Territorial Government—the creation of the Federal Congress—to assume to act in the name of the sovereignty of the people included within the geographic limits of Kansas, would be an inconsistency, nay, an absurdity, of which I cannot imagine you will be guilty. Taking the Organic Act, then, for your guiding chart, you will readily conceive the necessity of understanding, first, what constitutes "rightful subjects of legislation," and second, what legislation with reference to such subjects will be consistent with the Constitution and the provisions of this governing Act.

As it may be very reasonably assumed that with your labors will close forever the legislative history of this Territory, I would recommend the propriety of your confining yourselves to the work of harmonizing, perfecting and rendering more effective the provisions of those laws already existing, rather than to attempt the preparation of any very general system of an original character. That there may be some instances calling for your action, with reference to matters, touching which there are at present no statutory provisions, I do not doubt. In such instances, you will, of course, find it necessary to depart from the plan just suggested.

The Territorial Auditor, being required to bring his report down to the 31st day of December, it has been impossible for him to perform the labor necessary to its preparation in time to be transmitted herewith. From a condensed statement furnished me, however, I have learned the entire indebtedness of the Territory upon all accounts, is $96,143.58, while its resources from taxes, due and unpaid, from various counties, amount to about $104,000, leaving an excess of assets above liabilities of about $8,000. But, of the amount thus due, it is not probable over $30,000 can ever be collected, without some special and direct action taken for the express purpose. Of the amount of indebtedness as just shown, $88,788.44 is on account of unpaid warrants outstanding, leaving $7,655.14 for which warrants have not been issued. The whole amount of warrants issued upon the Treasury, during the year 1860, was $41,-234.14, while the whole amount of revenue paid in for the same time, was but $3,197.33. In this we have, probably, as sad a commentary upon the disastrous effects of the late drouth upon the agricultural and other interests of the Territory, as could possibly be given.

Owing to the failure, on the part of a large majority of the counties, to transmit abstracts of taxable property to the Territorial Board of Equalization, until a very late day, no Territorial taxes were levied up to within a few weeks, and, as yet, no part so levied has been paid in; thus, no revenue has been received since 1858. The amount of taxable property of the thirty counties from which abstracts were received, is $27,063,-

688.52. As those counties failing to furnish abstracts have been but recently organized, it is not probable that the whole amount of taxable property in the Territory will exceed $28,000,000. Of the amount ascertained, as above, in the thirty counties furnishing abstracts, $21,949,846.25 is real; the balance, $5,113,840.27, is personal property. The whole number of acres of land, subject to taxation, in the above thirty counties, is 3,878,660, the average valuation per acre of which is $4.28. The whole number of town lots, in these counties, is 135,328—more than two for every inhabitant! May not a reasonable apprehension be entertained, unless something be soon done to stop this mania for town speculation, that there will, ere long, be no lands left for farms, in the Territory? The average valuation of these lots is $41.68—the aggregate, $5,640,471.04. Thus, it will be seen, town lots are already worth more than one-fourth as much as are all the farming lands pre-empted—probably, worth more than twice as much as the acres under actual cultivation. This is no healthy condition of affairs, and our people must expect to remain poor until they learn to depend more upon their "muscle," and less upon their speculative wits.

The whole amount of taxes levied for the years 1859 and 1860 was $81,188.13. Of taxes levied for former years, there remains still uncollected, some $23,000. As it is hardly probable any considerable portion of these unpaid taxes can be collected, prior to the admission of the Territory as a State, it becomes a matter of importance to determine some means by which this indebtedness can be liquidated. So soon as we shall have become a State, there will be a vast amount of land donated for public use. Would it not be well for you, by some appropriate method, to recommend to the first State Legislature the graduation of these lands, and the passage of an act authorizing the receipt of Territorial obligations at par, in payment therefor.

By the laws of 1860, provision was made for the organization of a number of new counties, which were not, through some oversight on the part of your predecessors, attached to any Representative or Council District. Unwilling to allow them to be thus deprived of that most valuable of all rights, a representation in the laws by which they were to be governed, I assumed the responsibility, (in the discharge of the duty imposed on me as Secretary, of issuing notices of the late election to the sheriffs of the various counties,) of uniting each of such counties to such Representative Districts, as to me, seemed most convenient and appropriate. To give validity to that action, your confirmation will be necessary; and to avoid further inconvenience, I would urge the early passage of a law definitely assigning these counties to proper Representative, Council and Judicial Districts. Reference to the laws of the last Legislative Assembly will obviate the necessity of a special enumeration of the counties requiring your attention herein.

That you may find it necessary to make some alterations in the pres-

ent system of County and Township Organization is quite probable; but it is believed the provisions of the law of last winter, on this subject, are, with slight exceptions, as well adapted to the condition and requirements of the Territory as any that could be possibly devised.

In his able message to the last Legislative Assembly, Governor Medary, after pointing out many of its objectionable features, took occasion to advise the total repeal of the registry provisions of the election law. Fully concurring with him in the objections urged to this part, and persuaded of its imperfections in many other particulars, I am induced to go further, and recommend to your honorable body the repeal of the entire law, and the substitution, in its stead, of one less complicated and more liberal in its character. The elective franchise is a right too sacred to be, as it is with us at present, fettered and environed with the complicated network of a cumbrous formula. Near the close of the last Session, an act, designed as a substitute for the present one, was hurried through the House and Council; but, owing to its embodying most of the objectionable features of the existing law, the Executive sanction was wisely withheld, and the bill defeated. In the enactment of a new law on this subject, great care should be taken to define, in the most distinct manner, the tribunals to be charged with the duty of canvassing the county votes, and to prescribe, in the plainest possible terms, their powers and obligations. As the matter now stands, it is difficult, if, indeed, not entirely impossible, to determine to what authority this duty properly pertains. While in some counties the work of canvassing has been conducted by the Boards of County Commissioners, in others, it has been performed by the Township Trustees; resulting, very naturally, in many instances, in most serious confusion. This subject is of great importance. It demands, and, I feel assured, will receive your prompt and careful attention.

Though the Educational system of the Territory fails, in many respects, to meet my approbation, still, in view of the probability of our soon changing our present for a State form of Government, I do not feel at liberty to recommend any very general change. The report of the Superintendent not having been, as yet, submitted, I can give no very satisfactory statement of the condition of the Common Schools. From a brief synopsis, however, received from him, it appears that considerable progress has been made, during the past year, in organizing school districts, building school-houses, securing the services of efficient teachers, and in establishing uniformity in the use of proper text-books. The assurance of the Superintendent that "Kansas has taken a position in favor of the advancing and elevating educational sentiment of the age from which she can never retreat," will be received with gratitude by the friends of this truly noble cause. Assuring you that my co-operation shall be cheerfully rendered, in any manner in which it can be of service in assisting you, in advancing still further the glorious standard the Territory has already so honorably achieved, you are referred to the report of the Superintendent,

which will be laid before you at an early day, for any further information you may desire on this subject.

It is frequently being complained that the fees of officers, as established by the last Legislature are exorbitant. Whether any alteration in this respect is advisable I leave entirely to your better judgment.

There exists a statute passed during the session of 1859, entitled "An Act to restrain Dram Shops and Taverns, and Regulate the Sale of Intoxicating Liquors," intended no doubt, and by some prevalent hallucination generally supposed, to be favorable to the suppression of the unlicensed sale of intoxicating liquors; its real effect, however, inasmuch as it has been found so vague and contradictory in its terms as to render a conviction under it impossible, is to leave the traffic entirely unrestrained. If, in your opinion, the interests of society demand a license law at all, you can better meet that requirement, by the passage of an entire new Act, than by attempting, by amendment or otherwise, to render the present one intelligible. If, on the contrary; you believe the innate morality of the people is such as to obviate the necessity of any restraint in this respect, you will, at least, vindicate the reputation of the Territory for intelligence, by sweeping this present mockery from the statute book.

The magnificent mineral resources of the far western portion of the Territory, form no longer a matter of speculation or of doubt. Lured by its golden promises of wealth to be speedily amassed, a community of forty thousand, eminent for honesty, industry, virtue and intelligence, have gathered there, determined with vigorous effort to wring from the rugged mountains their buried treasures. In justice, then, to them, some thorough system should be devised for the formation of this country into appropriate county, township and municipal organizations, with governmental and judicial provisions adequate to their necessities.

During the month of November last, there occurred in the counties of Linn and Bourbon, disturbances alike destructive of the peace, and disgraceful to the reputation of the Territory. An organization, having for its object the exercise of an unlawful censorship over the actions of the inhabitants of that portion of the Territory, and the infliction, for conceived offenses, of such punishment as themselves should dictate, with threats of violence, intimidated officers in the discharge of judicial duty, caused families to fly in terror from their homes, spread consternation through the community, and, in armed bodies, seized and put to death citizens innocent of any established offense; thus, in every instance outraging law, and in the last, rendering themselves guilty of what your statutes denominate murder. Prompt, and as efficient steps as possible, were taken to restore order, resulting in the present partial peace and quiet of the community. The past, however, gives little promise for the future. Among these restless spirits disturbances have been of so frequent occurrence that law and government are become but objects of derision, and unless some step be taken for the enforcement of the one, and the

vindication of the other, this fair portion of the Territory will soon present the saddest spectacle of anarchy run riot.

Never, since the organization of society into civilized governments, did a legislative body assemble under circumstances of deeper gloom, than those surrounding you. The hearts of the people over whose interests it is your honorable charge to watch, have been saddened with a most severe affliction. But just recovered from the sport of faction, and the scourge of strife, Kansas now suffers from one of the most trying dispensations, ever, by a gracious, though a chastening God, imposed on any people. By a drouth unprecedented in the annals of this continent, if not, indeed, unparalleled in the history of the world, this fair Eden of our adoption, the fertile soil of which has heretofore been wont so bounteously to bless, with rich returns, the labors of the husbandmen, has been transformed to a barren waste of furrowed fields. Depending as they do, entirely upon their agricultural resources for subsistence, by the total failure of all crops in many of the interior counties, large numbers of our fellow citizens have been reduced to the last extremity of need. Yet, though through all the lingering months of the last weary year the heavens have hung as brass above us—though the "early and the latter rains" have been withheld, and the harvest been made all profitless to follow seedtime, nevertheless His loving kindness He has not utterly taken from us nor has He suffered His faithfulness to fail; for He has inclined the ears of our brethren in States with an abundance blessed, to hearken unto the story of our necessities, and even now the avenues of transportation are crowded with the offerings of their unstinted liberality. Indeed, our condition has awakened, throughout the land, a very general sympathy. Individuals and communities seem emulating each other in the work of our alleviation, and the President of the United States, in addition to a very liberal private donation, has, with characteristic benevolence and solicitude for the welfare of the people of every section of the country, recommended to Congress the propriety of taking such action in our behalf, as may be constitutional, and adequate to our relief. To those who have so materially befriended us, an expression from you of the grateful sentiment of the Territory, is due, and will I doubt not be appropriately given.

The last Legislature passed, the objections of the Governor to the contrary notwithstading, "An Act to Prohibit Slavery in Kansas." By it slavery and involuntary servitude, except for crimes, &c., were "forever prohibited." If, at the time of its passage, the right of property in slaves legally existed—and it is generally conceded it did—the act is clearly unconstitutional; for, in such case, it seeks to immediately destroy a legally existing right of property, without rendering a just compensation therefor. If, on the other hand, no such right existed, then, the act was and is unneccessary. But, waiving all other reasons, I earnestly recommend the repeal of this law because it forms an obstacle to the adjustment of the unhappy differences with which the country is now distracted.

Could a weightier consideration operate to influence you to meet this appeal with a favorable response?

For years have thick growing clouds been darkly gathering round the destiny of our country, until at length, with lurid lightning flashes and deep thunder detonations, the storm, wildly terrific, has burst upon us. So long as fraternal sentiments prevailed among the States, the Republic was prosperous—the people happy. But now, all is changed. Where Peace prevailed, now Discord reigns. The northern States, with one or two exceptions, have declared that "a house divided against itself cannot stand"—that the Union, consisting of part free and part slave States, though now so divided, is not to fall, but is to be made harmonious, by the termination of an existing irrepressible conflict, in either rendering the States all free, or extending slavery over all; and on these propositions have triumphantly elected a President pledged to "render the States all free." What wonder, then, the South should feel alarmed for the safety of her institutions, and seek to strengthen herself for purposes of defense. Refusing to accept the issue, and attempt to force her institution on unwilling States, is it to be expected she will remain united with those who have entered upon a war against her, which is to terminate only with the destruction of her most material interests? Is it not natural for her, rather, to unclasp the embrace become thus dangerous, and seek in a new organzation that protection and tranquility denied to her in this. Let us not deceive ourselves. Devotedly as the South has loved the Union, it should not, it must not be expected, when its constitutional guarantees are disregarded and it transformed to a Juggernaut of oppression, hers will prove an idol worship, or that her sons, calmly lying their necks beneath, will, with bigot smile, invite the crushing of its rumbling wheels. Then let the North forego this crusade against the South—let her give an earnest of her own loyalty to the Union, by repealing all her laws in derogation of the Constitution, and referring the question of the right of parties to carry slaves into the common Territories, to the determination of the courts, the only *constitutional* arbiters, let her strive by an honest, earnest, sincere effort, to restore that good fellowship and secure reliance on each others faith that characterized the earlier history of the Confederacy. Having thus herself conformed to the requirements of the Constitution and the laws, she can, confident of the justice of her position, require of the South, in the name of a common ancestry, an observance, in strictest faith, of every Federal obligation.

But, if nothing can be done—if the worst *must* come, having been made the wand with which the magicians of Evil have aroused the elements, it may not be expected Kansas can stand an idle watcher of the storm. Intimately identified as her interests are with the perpetuity, progress and prosperity of that Union of States into which she has hoped soon to enter and take her equal place—while she could not witness a dissolution with feelings other than of deepest auguish—if God, in His wrath, shall tolerate

the worst portent of this tempest of passion, now so fiercely raging—Kansas ought, and I trust will, declining identification with either branch of a contending family, tendering to each alike, the olive offering of good neighborship, establish, under a Constitution of her own creation, a government to be separate and independent among the nations. Embracing, as she does, a combination of agricultural and mineral resources unsurpassed by any other portion of the world, hers would prove, if not the most powful, the most prosperous government on earth.

G. M. BEEBE.

REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF THE SUPERINTENDENT OF COMMON SCHOOLS,
Leavenworth City, December 31st, 1860.

To the Members of the Legislature of Kansas Territory:

GENTLEMEN:—According to section eight of the "Act for the organization, supervision and maintenance of Common Schools," approved February 11th, 1859, it is made the duty of the Territorial Superintendent of Common Schools "to submit to the Legislature a report, bearing date on the last day of December, in each year, containing: First, an abstract of all the Common School reports received by him, from the clerks of the several counties in the Territory. Second, a statement of the condition of Common Schools, in the Territory. Third, estimates and accounts of the expenditures of the School money. Fourth, plans for the improvement and management of the Common School fund, and for the better organization of the Common Schools. And fifth, all such matters relating to his office and the Common Schools of this Territory, as he shall deem expedient to communicate." In compliance with this requisition, I have the honor to lay before you the following report:

COUNTY REPORTS.

Owing to the Legislation of last winter—"Abolishing the office of County Superintendent, and failing to make it the duty of any other county officer to report, to this office, the condition, &c., of the public schools"—I am unable make a full and definite report for the past year.

What few reports have been received, so far, are from counties where the Superintendents have been sustained, either from ignorance of, or a disregard to, the legislation of last session. Reports have been received from Leavenworth, Atchison, Johnson, Franklin, Breckinridge, Coffey and Waubaunsee counties, containing the following particulars:

Waubaunsee county reports six organized districts. From three of them the following items are gleaned: Youths between the ages of five and twenty-one years, 135; attendance at school, 114; months of school taught 19; public money, none. Schools were taught in the other districts, but not reported. People strongly attached to the public schools.

Breckinridge county, organized districts, 13; schools entirely sustained by private subscription; no public funds; much interest manifested in free schools.

Franklin county, organized districts, 25; length of school taught in each, three months; sustained by private funds; the general interest in public schools gaining ground.

Atchison county, organized districts, 26; all heard from have had schools part of the year; no public money received; raised by private means, for tuition and building school houses, $3,469; schools well sustained for this county.

Johnson county, organized districts, 32; all, as far as heard from, have sustained schools from three to nine months each; teachers' wages ranged from $11 to $50 per month; attendance ranged from 23 up to 59; no public money for the year; school reports very favorable; advance on last year.

Such is an abstract of the county reports received. These reports are but partially made out. The Superintendents were in doubt what to do. Most of them had been kept from attending to their duty from the flying and contradictory reports, regarding the laws of last winter. As the acts of the session were not forthcoming until September, the county officers were unable to accomplish anything, fearing, if they did make any advancement in perfecting and advancing the school interests of the county, the adverse and unpublished laws would disannul and overturn all. It would have been well for the educational interests of our Territory if those laws had been permitted to remain in manu-

script until now. But we must take things as they are, and, report from the incomplete material at hand, and from the facts gleaned from letters, and our intercourse with the people, while visiting, &c.

In giving some idea of what our school system has done, and the extent of the public schools in the Territory, I will take the five counties reported above, leaving out Leavenworth, the largest, and Coffey, which is about medium, and make them the basis for the twenty-four most thickly settled counties in the Territory. This would give us 20 districts for each county, or 480 districts for the Territory. Allowing fifty youths, between the ages of five and twenty-one years, for each district, and we would have 24,000 children entitled to public instruction. This estimate will be found to agree very nearly with the true population of our Territory. But, even if we allow but fifteen districts for each county, we will have, on the same estimate, 18,000 youths requiring an education.

Again, taking either of the estimates, and allowing 30 scholars to each school as an average attendance, and we will have, by the former, over 14,000, and, by the latter, over 10,000 pupils, in regular attendance at school, for at least three months during the year.

To show that these estimates are not above the facts, if the full statistics of the Territory were collected, I will give you district reports, taken from three counties, as fully representing the condition of the Territory as could be selected.

District number eight, Johnson county, reports youths between the ages of five and twenty-one years, 59; attendance at school, for five months, 43; teacher's wages per month, $30. The average attendance, for twelve districts reported, in the county, is 38 2-3.

District number two, Waubaunsee county, reports an attendance of 33, for five months' school.

District number six, Coffey county, reports youths admissable to school 49, with an attendance, for three months' school, of 40 pupils. Teachers' wages $25.

From this estimation, and allowing $20 as the average teacher's wages, per month, there must have been, at least, $25,000 paid for tuition, during the past year. This, with the money raised for building and repairing school houses, will amount to upwards of $35,000.

As to the number and value of school houses, in the Territory, I have no means of knowing, only from personal observation, private letters, &c. From these sources I am led to estimate the school buildings at six for each county, worth $400 each, amounting in value to $57,600.

From these approximations, (and I think they are much below the real facts, being much below the reported ones,) you may gather some idea of what has been accomplished in so short a time, and, also, what may be accomplished by efficient and judicious legislation, and by the proper encouragement, and sustaining our school system. The failure of the Legislature to appoint any county officers to report to me, has left me without means for furnishing you with any fuller report in this department. The necessity of having an officer in every county, whose duty it shall be to furnish the Territorial Superintendent with a full and complete report of all the schools in the county, is indispensable to any well regulated system of public schools. Such reports can only be made out by officers appointed for that very thing. The experiment of obtaining full statistics and reports, from county Auditors and county Clerks, has been tried time and again, by many of the older States, and always ended in a failure. These county officers have not the time, and, even if they had, it is not in their line of business, and will, therefore, be neglected.

There should be laid before the Legislature, annually, such a report of the school system of the Territory as would give, at a glance, an abstract of its workings, progress and wants—its efficiency in bringing the children of the Territory under its influence—its resources and expenditures—and, in fine, everything necessary to be known by the Legislature and people. This only can be accomplished by officers chosen for that business alone, whose duty it shall be to see that the school law is carried out, in full, and report accordingly. Without such officers, legislation will accomplish but little, and the school system of our Territory, in many places, fall to the ground.

CONDITION OF SCHOOLS.

Considering the desolating and unprecedented drouth of the season, with the financial embarrassment, which it has brought upon all classes of our people, we ought, most assuredly, to feel highly encouraged with the comparatively prosperous condition of our common schools. But few, if any, of our districts have abandoned tneir organizations. In these organized districts, where the school law has become inoperative, it is for want of proper county officers to inform the people what to do, and to direct the local officers in the path of duty. Although the whole school system of our Territory has become deranged and bankrupt, from the act of last winter's Legislature, in passing by the public schools, when appropriating the public money, yet the attachment of the people to their schools is so strong that they have clung to their organizations, amidst embarrassment and great discouragement. For what can be more discouraging to a peo-

ple than to tax themselves and build school houses, elect officers and organize districts, with the hopes of having free public schools for their children, and to find that when they have teachers employed and schools in operation, the Legislature of the Territory has closed the public purse against them, although opened widely to almost everything else. Such treatment creates distrust and discouragement, which only a brave people, imbued with the principles of freedom and progress can overcome, and who believe and act upon the principle that when one set of men fail to do their duty, the only way is to lay them aside and send better men to fill their places.

We are not to look upon the empty school houses, for the coming Winter, or scarcity of school teachers, as denoting a backward movement in our schools, or a want of interest on behalf of the people. We must look at the impoverished condition of our country, and judge of our public schools by other enterprises of our people. In doing this, we will be surprised to find the progress made, even in the midst of actual want.

When we behold the sturdy farmer, viewing with blighted hopes his empty granaries, poverty-stricken herds, fruitless fields and sun-scorched prairies, with neither money in his purse, nor credit abroad; mechanics wandering around with folded arms and downcast eyes, debating in their own minds how they shall raise enough to carry them to the States, that they may escape the coming famine; merchants unemployed in merchandizing, but busily engaged on their ledgers, and with the accumulating responsibilities of notes coming due, debts unpaid and bankruptcy inevitably coming upon them; and men of all professions with heavy hearts and dark forebodings for the coming Winter, doubtful as to what course they ought to take, and meeting gloom wherever they turn. When we look these facts in the face, and judge of our common schools by them—when we recall the heart-sickening feelings and heavy gloom of the past Fall, that hung o'er man and woman in the greater part of our panic-stricken country, and remember that in the midst of all this actual want and anticipated starvation, many, very many of our schools were, and still are, in successful operation; and while want, with her famished fingers, gaunt and lean, has cast her skeleton shadow, with pinching vividness, in and around the family board, still the school-houses, many of them, have been filled with young and buoyant spirits, hunger-pinched, but thirsting for knowledge: food that will make them men and women—will nourish them and make them grow, long after this famine shall have passed away and been forgotten. These things speak loud and to the heart of every one. Free schools, "the boon of heaven," the

cradle of our liberties, the basis of our prosperity, the birthright of our children, for they bestow an inheritance better than gold, more precious than diamonds, and a blessing that every true Christian and lover of his country wishes to leave to his children. They have been sustained in famine, nourished by the people, and clung to when other things failed.

Do not these things show progress and such encouragement as one could hardly expect under the circumstances. Subscription schools have been maintained all over the Territory, and from letters received, and from other sources of information, I am assured that quite a number of new school houses have been erected, while others have been repaired or finished, and some begun but left incomplete for want of means. The general attendance of pupils at school has been tolerable, and the character of the schools are improving. Many new districts have been organized by last year's Superintendents, who have gone on either in ignorance, or in doubt of what the law was. A large number of schools have been taught with the hope of receiving public money. Some were commenced, and after the unfavorable reports became partially confirmed, were discontinued.

In view of the many drawbacks on every side, our school reports are very encouraging. But few districts have retrograded, most have made some advancement. Teachers have been fitting themselves for greater usefulness. The school law is becoming better understood. A large class of those opposed to the schools are leaving, while we may look for a better class of citizens taking their places. We must look for most of the schools in the interior counties being closed during the Winter, while many of our teachers will seek situations in the States for a time. But this cessation will only affect the people and our schools for the time being; will act like a protracted vacation, and make all classes more eager for reopening the schools, when prosperity settles among us again. It will require some prompt and judicious legislation on your part to enable the people to keep up and sustain their organizations. I need not urge upon you this necessity. You are fresh from the midst of the people; you ought to know their wants. Let not party considerations hold you back from duty. Neither the clamor of a few interested landholders, who care neither for the welfare of the country or people, if their taxes are lightened at the expense of the country, which, without education would soon be filled with ignorance, crime and the degraded of other States. The common schools are the common property of every one. They are for the public welfare—the public safeguard, and the only sure bulwarks of our free institutions. Better than bayoneted soldiers—better than

shotted cannon—better than State prisons or almshouses; for they civilize the lawless—they defend the oppressed by teaching man his duty to his fellow man, and they make men law-abiding, industrious and happy. Guard them well, for they are the life blood of our common country.

SCHOOL FUND.

The Legislature of last Winter made no provision for levying a school tax, or raising a fund for the sustenance of public schools. Neither did it make any provision for the County Superintendents paying over what funds remained in their hands to any other officers. On this account, what public funds there were have been either frittered away or withheld from the schools to which they of right belonged. These things have not only occasioned much trouble and bitterness against the school system, at the bungling manner in which its funds have been handled, but they have thoroughly disgusted some of its warm friends. If we are to have a system of free public schools for our Territory, it should be fully carried on and vigorously sustained, or else abolished at once, and not kept in a miserable existence between living and dying. That we are to have such a system of common schools is now beyond question. The genius of our institutions demand it, and the intelligence of our people will have it. They may be baffled out of it for a while, but not long, for Kansas occupies a position which requires a liberal school law, and the patriotism of her sons will yet give her such a law. To properly sustain such a law, a tax of at least one dollar, for each inhabitant in the Territory, should be levied. This sum, judiciously distributed among the several counties and employed exclusively in the payment of teachers' fees, would at once give a noble impulse to the educational interests of our Territory, would bring to our aid some of the best talent of our common country, and would place us in advance of many of the older States. This amount is not beyond what our people are willing to bear. Not one-fourth as hard on the actual settlers and householders of our Territory, as it would be if they had to educate their children by private subscriptions. Private schools cost at least one dollar per month for each pupil. The parent who has four scholars to send to school for nine months in the year, would have to pay thirty-six dollars. Now what would be his probable tax in order to give them the same amount of schooling from the public funds? Suppose him to be worth $4,000, and to pay a school tax of two mills to the dollar, (and this levy of two mills to the dollar on all the taxable property of the Territory, would raise the required amount,) his tax would be eight dollars. But where, do you ask, would the other twenty-eight dollars come from? I answer first,

it would not require as much to sustain public schools, as they would have their own house and other furniture necessary.—Second, the public school lands would furnish part of it; and third, the rest would come from non-residents and men of wealth who own large tracts of land and other property, which would be increased in value in proportion to the intelligence and educational advantages of the community in which their property was located. It is nothing but fair that those who reap the benefit arising from an educated and prosperous neighborhood, should assist in bearing its burdens, when the result is putting money in their own pockets.

Now, if this view of the subject is correct, and who in this age of the world can successfully overturn it, what is your duty as legislators? Is it to stand still, or even to hold back? You have the example of all the leading and prosperous States of our Union urging you to go forward. The people will not only sustain you in making such laws, and in all wholesome legislation in their childrens' behalf, but they will bear to be taxed for their education. You will meet with strong opposition from the ignorant and sordid. Men who care nothing for the well-being of the community, if only their wealth may be increased, will not pay taxes, if making a noise and outcry will deter you from duty.—We cannot go back in this matter. Advance is the only alternative. To falter would bring merited disgrace. Positive injustice would be done those who have left the advantages of the States; forsaken homes and the free schools of the East, and brought their young families to our Territory in hopes of meeting like privileges and blessings with those they left. This much is expected from our own people, and this we should insure to those seeking new homes among us.

SCHOOL ORGANIZATIONS.

So different and complicated are many of the school organizations of the States from which our people have come, that it would be utterly impossible to frame any law, or school system, that would please all. Each one has his own prejudices in favor of one system or another with which he has been associated from youth—so firmly settled, that it would require mighty arguments, and those strongly presented, in order to change or alter his opinions. But, without trying to satisfy every one with this or that plan, we should endeavor to obtain such a system as would most fully meet the present wants of the people, and the easiest to be understood. There are only two plans of organization to which I would call your attention: First, that of townships, in which each civil township is made one district, with as many such districts as the wants of the people require, and, second, the present mode of dividing the counties into separate and independent districts.

Both these modes are easily understood by the people. Each has its advantages over the other; and, while I would recommend the township districting for sparsely settled counties, I would be in favor of the single districting for its simplicity. I only call your attention to this subject, because now is the time when it can be best attended to, yet, care should be taken not to cause unnecessary derangement by a hasty change from one system to another.

COUNTY SUPERINTENDENTS.

In connection with organization, comes up the subject of County Superintendents. In recommending the necessity for such an officer in each county, I will only state a few of the more obvious reasons for sustaining such offices. Without some such officer to go around and visit each district in the county, at least twice each year, to explain the law, and to require the district officers to attend to their duty, collect the district report, and send an abstract of those, and other county school matters, up to the Territorial Superintendent's office, you never can obtain anything like a correct report of the utility and workings of our school system. Again, in organizing school districts, the County Superintendent is more likely to deal impartially, and act more promptly, than when it is left to township officers, who are always tardy about such matters, and are more liable to be influenced by local jealousies and neighborhood associations. When a district has to be formed from parts of counties or townships, a new source of difficulty arises, which is very hard to settle by local officers. The distribution of the school funds, with the supervision and execution of the school law, the examination of teachers, and appointing of school officers in vacant districts, can all be better attended to and regulated by County Superintendents than any others.

TERRITORIAL SUPERINTENDENT.

An officer, whose duty it shall be to oversee and superintend the common schools of the Territory or State, is not only almost, but altogether indispensable to the success and proper management of the educational interests of any State. This has been found out by the experiments made in some of the Western and other States, so that, after numerous failures and culpable negligence on the part of officers, who were required to do double duty, the State Legislatures were compelled, for the good of the State, to either appoint some such officers, if their Constitution did not provide for them, or to recommend amendments to their Constitutions. This was often a subject for governatorial recommendation.

But I do not intend to take up your time arguing on a fact so self-evident, from the experience and example of almost all the *educational States* of our Union. I only intend to call your

attention to the subject, so that you may learn what our country demands, by the actions of others, and act accordingly and intelligently. In regard to the salary of the Superintendent, I need not repeat the remarks or arguments of last years' report. You can find them under the heading, "Compensation of the Superintendent," on page 8. But I would most respectfully and earnestly ask your attention and action to that section of the School Law that allows the Superintendent ($1,500) fifteen hundred dollars salary per year, with an additional sum of two hundred dollars ($200,) for room-rent, stationery, &c. The Legislature of last winter failed to make any appropriation for this office for 1860. The previous Legislature left the $200 to be appropriated by the next Legislature, but they failing to make any school appropriation, I am, therefore, entitled to the following appropriations from this Legislature: 1. For stationery, room-rent, &c., for 1859, two hundred dollars ($200.) 2. Salary for 1860, fifteen hundred dollars ($1,500.) 3. And for stationery, room-rent, &c., for 1860, two hundred dollars ($200.) In all, nineteen hundred dollars ($1,900.) This, instead of coming to me, as required by law, I have had to lie out of, and use my own purse fund to the amount of almost $1,000. It is surely time that I had the Territorial scrip, even if worth but 30 cents on the dollar, for that is better than nothing.

Again, my term of office expired on the 2nd inst., but I am required, by law, to remain in office until my successor is elected and qualified, and, as he will not be qualified until the first of January, 1861, I will have continued in my office one month longer than the term for which I was chosen, so that there will be due me an additional month's salary—one hundred and twenty-five dollars ($125.) The whole amount due me, on leaving the office, January 2nd, 1861, and for which an appropriation is asked, according to law, is two thousand and twenty-five dollars($2,025.) Hoping that you will see, and duly appreciate, the embarrassment under which I have labored, in lying out of my salary so long, and that you will feel the duty and necessity for making the lawful appropriation, I leave the matter with you, trusting to your integrity and proper sense of justice.

GENERAL REMARKS.

In concluding my final report to your honorable body, and in addressing you as legislators and fellow-citizens who have the future prosperity and welfare of our growing Territory deep at heart, I cannot forbear reminding you of the position you occupy, and of your responsibility as law-makers. As a Territory, looking forward for speedy admission as a sovereign state, under the in coming administration, it becomes your duty and

privilege to place this Territory in as flourishing a condition as possible. It will not only be a duty and privilege, but an honor lasting and enviable—that you have in the midst of difficulties almost insurmountable, laid the foundation for the future greatness and growing prosperity of our maiden State, that will draw forth the warm plaudits of coming generations, and meet with honorable mention when progress and enlightened legislation are eulogized.

You will have mountain difficulties to meet and overcome—difficulties which well might quell the boldest heart, and fill with trembling the wisest legislators. But these bariers should only nerve you more firmly to meet and overcome; to boldly face the emergency and triumph in the right. You have many encouragements to cheer you on to duty. Your love of home and country; your emulation as patriots and statesmen; the example of other governments and their success, with the blessings of Heaven' and the approbations of conscience in having performed your duty.

First, *You will have much, if not all the legislation of last winter, relating to our public schools, to do over again.* It is painful and unpleasant for me to recur to it so often, but a sense of duty for that part of the public interest over which I have been called to watch, compels me to speak out. Why such legislation, in the very face of facts, the most opposite and distinctly contrary to the expressed will of the people, as set forth by them and broadly published to the world in a permanent and reiterated form—first by their delegates who formed the Wyandott Constitution, and second in their own deliberate adoption of that instrument, was even brought forth in the face of an enlightened people and pushed through, I am unable fully to comprehend. To those at a distance it appears like child's play—one party building for the next to pull down. But let the motive be what it might, true patriotism and the well-being of society, or local jealousies and a love of change, the effect is deplorable. The whole efficiency of the school system has been arrested in its very successful career; and, had it not been for the deep-seated attachment of the people for public schools, the great majority of the work would have had to been done over again. But, happily for the interest of education, the people flew to the rescue, when the rightful guardian abandoned their charge, and nobly have they acted in the midst of discouragements and stern want.

Second, *The impoverished condition of our country must be fully considered.* We are in the midst of famine. The heavens have been as brass, and the earth as iron, to our agricultural prosperity the past summer. Starvation is hovering darkly around the homes and hearths of thousands of our people. Aid

must come from abroad, and sustenance from our friends in the States. Our people must be contented and satisfied with the gleanings of others prosperity. Their calamity came in a day when they looked not for it, and found them unprepared. They must now await the smiles of Heaven, and the prosperity of years to set them on an equality with their neighbors again. Two years of plenty will hardly suffice to recover from the financial embarrassment of the present year. This consideration must be kept in view as you make your appropriations; and, while attending to the many other wants of the Territory and people, let not the educational wants of our children be neglected. Although you will not be able to provide as liberally for the maintenance of public instruction as could be desired, yet you can see that it is not ignored or even made secondary to any other appropriation. The 25,000 children of our Territory look to you for an education. You owe it to them by unalienable rights, and are in duty bound to provide the means for carrying out your obligations. The future welfare of our country pleads for the universal education of all classes. The experience of our parent States points to this as the path to future greatness; and your duty to your God and country demands this much at your hands. From whence, let me ask you, comes our national greatness? Look at the States on which we fall back in time of need, and from which help comes in the hour of trial. The source of our present succor, while our poor country is sorely swept with the sirocco of want. Is it from those States where free schools are unknown—where popular education is excluded, and where the masses wallow in ignorance? Is it from the States where the public purse strings are held with a miser's grip when the free schools ask for sustenance, but opened to prodigality for political corruption? No, I answer; emphatically, no. But it is from the States where *free schools* are nurtured with a parent's care, are fostered with a liberal hand; from a people whose greatest glory is their free institutions, free schools and religious privileges—who, in doing honor to the nation's guest, the most honorable of all visitors to our common country, could imagine no greater treat or token of their good will, than an exhibition before him of their Free Public Schools—the palladium of their glorious liberty; the basis of their greatness and prosperity, and the sure guide to final and triumphant success. Let us learn from such a people, as we lay the foundation of a future State. Let us engraft into our government the true basis of prosperity; and let us hold out such inducements, by our enlightened and liberal endowment of common schools, as will attract the enterprising and industrious of other States, to hail with joyful anticipations a home in our broad prairies. And, as we knock at the Halls of Congress for

admission into the sisterhood of sovereign States, let us do so, not still in leading strings, but as a sovereign people, possessed with a school system, if not so fully developed, yet as broad in its foundation and equal to any in the Union.

Third. *Our sparsely populated country, and the character of our people.* The difficulty of framing a school law, that will meet the approbation of all our people and supply the wants of all parts of our Territory will be apparent to any one, on a moment's reflection. Such a law cannot be made, neither should it be attempted. There only can be an approximation made in that direction, but these difficulties will disappear as the country becomes settled, and the people better acquainted with the law. We should bear with some present disadvantages rather than be continually changing to accomplish an impossibility. We should hold to one system until we have given it a fair trial. This thing of repealing one session what has been enacted the previous one, before a fair trial has been made is not only ruinous to a country, but fraught with disagreeable consequences and uncalled for expense. The school law of 1859 was working well wherever understood and put into operation. That it had many opposers is not to be wondered at, among a people raised and educated under all kinds of school systems. They as a matter of course had their preferences; and their preference, or prejudice, often regardless of what our country requires. Would it then be wise to endeavor to make a law that would suit every class of emigrants from the several States? or would it not be more wise to hold to that which has given tolerable satisfaction in all parts of our Territory, and with which the people are becoming acquainted—a law that in all probability is more agreeable to the people than any that could be framed. You must remember that two or three opposers of a law will say more against it than a hundred friends will say in its favor. Those pleased with a law are silently satisfied, while the few opposed make up in numbers, by bluster and outcry. *You will note further*, that most, if not all, who oppose this law, have become so from local difficulties with school officers, about district lines, &c. Such is the fact in almost all cases brought to my knowledge. Let us keep this law until thoroughly tested.

Fourth. *Your position as law makers.* The time when the question, "Is it the duty of the State to provide Free schools for the education of all its youth," was debatable, has passed away, and the binding obligation of every government to educate all its youth at the public expense is now fully admitted by every enlightened statesman. We cannot go behind the age in this matter. I feel that for me to recommend a conservative policy in regard to sustaining and supporting our Public schools, would merit the open and indignant rebuke of my fellow citizens, and

leave a stigma on my character as the guardian of public Instruction for this Territory. We must advance steadily. We are a western people. Progression is stamped upon our very existence. This is shown by our forsaking homes and the comforts of life for pioneer life in a new and unsettled country, by our indomitable energy in overcoming difficulties, by our persevering struggles in driving the oppressors' yoke from our land; and by our success in freeing ourselves and posterity from the deadly incubus of barbaric despotism. If we do not advance, our places will be filled by men who will. To go back is impossible. Look at our position. We are the observed of all observers. The old and the new world are noticing us. They have heard of our struggles for a free Territory. When in the hour of our troubles the sky was dark and ominous, we had their sympathy and prayers—and when the news that our blood was mingled with our efforts for freedom a cry of horror arose from earth to heaven, which was only equaled by the shout of joy which spread through Christendom as the fiery tongued lightning proclaimed our triumphant success.

Our struggles are not yet over. True we have not brute force to contend with, only as it confronts us in ignorance. But we have the ignorance and prejudices of men raised under the chilling influences of petty despots—to overcome despots who imagine that education is alone the birthright of the rich and wealthy, while ignorance and subjection is the perpetual inheritance of the poor. We have these to bear with, to overcome and to conquer.

Again—*We have a State to build up*, a home to provide for the young and stout of heart who is turning towards the setting sun with an eye to the future. Our Territory is before him. Its fame has been sounded in his ears. Its rich and productive prairies, its never failing springs of water, with its untold quarries of rock and limestone—all these he has heard of time and again.

They are all very good in their place, but he wants something else. For, as he looks back upon his family, and meets the sparkling eyes of his little ones, new thoughts fill his soul.—These hopes of his old age must be cared for. These candidates for immortality must be guided in the path of knowledge, and turning from the attractive picture of rolling prairies and luxuriant fields, he inquires about our schools, our facilities for education. "I have a family," says he "children that I love as my own soul. They must be instructed. I like your land, its deep rich soil, but I like my children better. If you can give me good free schools, I will come and settle among you, but if not I will go elsewhere." Now, what shall be our answer? This is the kind of settlers we want. Men who prize knowledge before gold, and wisdom better than riches. Such men are the bone and

sinew of any nation—the pillars of her stability. Shall we say "come, and we will do you good! come, for our Legislature has given us a system of public instruction, and free common schools equal to any in the world! Come, sir, come and welcome!"

Soon the famine cloud, that broods over our land, will have passed away. Our Territory has witnessed and passed through darker days than this. God in His mercy will, ere long, break the seal of this storm-cloud and unfold its silver lining. The lightnings of heaven have revealed the nakedness of the land, as the thunders muttered desolation and distress. But the van of the tempest is now lost in the distance, and soon the sunshine of plenty will cast her sail over the length and breadth of our land. Faint not at the gloom of the present. Let the past be your guide for the future. Stand up in the hour of peril, and meet the blast as it sweeps along. 'Tis only the true statesman who stands up in the midst of danger and boldly meets every emergency, while the coward proves traitor to his trust, and flees his post, in his country's need, and beats an ignoble retreat.—Then, like true patriots and statesmen, look these difficulties in the face. Meet this responsibility without shrinking, and achieve for your brows, laurels unfading, and a memorial engraven in the hearts of posterity, and archives of your country.

S. W. GREER,

Territorial Superintendent of Common Schools for Kansas.

SUPPLEMENT.

As several county reports were not received until the body of this Report was written out, the following partial reports are inserted here, as the Superintendents and people from whom they come deserve all praise for the noble manner in which they have upheld the school system of our Territory. In several counties, from which no official reports have been received, I hear very flattering accounts almost daily. Doniphan county has some very good schools, and Brown and Marshall, but have not been able to do much for want of proper management and supervision. The people are becoming more attached to the school system; old prejudices are dying out, and now, when the moving wheels, the Superintendency, is taken away, they begin to see and appreciate their loss. But still, educational matters are encouraging, and many County Superintendents deserve all praise and encouragement for the manner in which they have attended to the organization and encouragement of schools in new districts. The following reports speak for themselves:

Jefferson county has 20 organized districts, in most, if not all of which good schools have been taught, during part of the year. Grasshopper township reports 5 districts, with $1,000

township fund. Also, in Oskaloosa, and other places, they have hae good schools most of the year.

Douglas county reports 43 organized districts. From 27 of them, partial returns have been received, showing that each district has sustained, during the past year, an average of four months' school, and 30 pupils to each district in attendance. In the absence of the Superintendent, his Deputy reports that, so far as he has been able to learn, the people throughout the county are deeply interested in the cause of free schools; that almost every district has arranged, for winter school, notwithstanding the poverty-stricken state of affairs, throughout the country. The amount raised and reported for tuition was $1,000, besides other sums raised for building and repairing school-houses. This county has had the services of an active and energetic Superintendent, and the above tells the tale.

Lykins county reports 30 organized districts, in most of which schools were taught for three months during the year. These had to be sustained by private subscription, and so will those taught during the winter. The following report from the Superintendent will give you some idea of what the prospects are there, and yet it speaks but a common langauage, with many others. Almost every one speaks encouragingly of the school system among the people, and of the interest beginning to be felt by all classes in its maintenance. Indeed, all that it requires is proper management by officers, whose duty, exclusively, it shall be to attend to school matters, and the fostering care of the Legislature give them such a school system as will, in the best degree possible, meet their wants, and they will show you a development worthy of Kansas and her people, and up with the advancement and progress of the age.

S. W. GREER, Ter. Sup't.

To the Superintendent of Common Schools of Kansas Territory:

In pursuance of the sixteenth section of "An Act for the organization, supervision, and maintenance of Common Schools," in said Territory, I have the honor to submit the following report of the condition of Common Schools, in the county of Lykins:

In January, 1859, I accepted the office of County Superintendent, for this county. At that time there were only some eight or ten districts, legally organized, and of these not a report had been received by my predecessor in office, or, at least, nothing appeared among the papers of the office. Since that time the number has increased to thirty, but our organizations are far from being complete. But the pressure of the times has produced this tardiness, and notwithstanding the clouds of adversity,

which are hanging over our citizens, the work is progressing with a zeal and energy which will defy all opposition, if God, in His providence, (in future years,) will water this land with the dews from Heaven, and revive the hopes, energies and fading fortunes of many of our citizens. In passing over the county I am met with almost daily calls to organize districts, lecture, visit schools, &c., which is the best evidence in the world of the ultimate success in raising the standard of instruction in our midst. But the want of suitable buildings is every where felt, and the financial famine is too severely felt by our citizens to expect much this year; but, in the face of all this, nearly every district has assessed a tax for the purpose of erecting suitable houses, and the support of schools the coming year; but the reports received from District Clerks have been few and tardy, owing, in part, to a want of the late law. I have not yet received a copy for distribution, and few of the district officers are aware of what the law requires, and up to the time this report should have been submitted, I had received reports from three districts only; but, under favorable circumstances, in a few years, Lykins county will be able to submit a report which will reflect credit upon her intelligent and enterprising citizens. The whole number of school districts, separately set off, within the county, thirty; fractions, one.

The joint session being concluded, the Council reassembled, and

On motion of Mr. Mathias,

Adjourned till ten o'clock to-morrow morning.

JOHN J. INGALLS,
Secretary.

FRIDAY, January 11, 1861,
Ten o'clock, A. M.

Council convened.

President in the chair.

Present, Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President.

Absent, Messrs. Christison and Palmer.

Journal of yesterday read and approved.

Mr. Mathias offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be and is hereby instructed, on behalf of the Council, to request the acting Governor to furnish the Council with sufficient stationery at once, and that the same be equally distributed between the members, by the Sergeant-at-Arms.

Mr. Hendry offered the following concurrent resolution, which was adopted:

Resolved, By the Council, (the House concurring therein,) that a committee of one, on the part of the House, be appointed to confer with the Board of County Commissioners of Douglas county, relative to an invitation from said Board, inviting the Governor and Legislative Assembly to visit the jail in the city of Lawrence.

Committee on the part of the Council, Mr. Palmer.

Mr. Woodward offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to procure of the acting Governor of the Territory, five dollars' worth of postage stamps for each member of the Council.

On motion of Mr. Elder, the resolution, in relation to extra pay of the clerks, was taken up, and

Read first time.

Mr. Benton, on leave introduced a memorial, and accompanying evidence, in case of Augustus Bilger versus Emeline Bilger, which was

Read and referred to Committee on Judiciary.

On motion of Mr. Hendry,

Referred to the Committee on Legislative Expenditures.

Mr. Stewart offered the following resolution, which was adopted:

Resolved, That the Secretary of the Territory be requested, through the Sergeant-at-Arms, to furnish each member of the Council with a copy of the latest sectional map of the Territory of Kansas.

Mr. Mathias moved that one thousand copies of the Governor's Message be printed for the use of the Council.

Mr. Hendry moved to amend, by striking out "one thousand," and inserting "five hundred."

On motion of Mr. Elder, the subject was laid upon the table, until to-morrow morning.

Mr. Elder offered the following resolution, which was made a special order for to-morrow morning:

Resolved, By the Legislative Assembly of the Territory of Kansas, That we fully indorse the movements of Major Anderson, at Charleston, South Carolina, as eminently wise and patriotic, and his timely action, on his own responsibility, demonstrates to the world that he is a man equal to the crisis, and possessed of the highest order of military skill and ability.

Mr. Benton gave notice, that on to-morrow, or some subsequent day, he would introduce a Bill to regulate the fees of officers of Kansas Territory; also, a Bill amending the Charter of the city of Atchison; also, a Bill incorporating the Atchison & Manhattan Railroad Company.

Mr. Elder, on leave, introduced Council Bill No. 1, entitled "An Act additional to an Act, entitled 'An Act to provide for the taking up and posting of strays,'" which was

Read first time.

Mr. Hendry, on leave, introduced Council Bill No. 2, entitled "An Act to repeal an Act, entitled 'An Act for the benefit of Livery Stable Keepers,'" which was

Read first time.

Mr. Hendry, on leave, introduced Council Bill No. 3, entitled "An Act to extend the time for paying taxes," which was

Read first time.

Mr. Stewart introduced Council Bill No. 4, entitled "An Act to incorporate the Spring Dale Town Company," which was

Read first time.

On motion of Mr. Elder,

The Governor's Message was referred to a Select Committee of three, with instructions to recommend the reference of the different subjects therein contained to their appropriate Committee. Committee, Messrs. Elder, Mathias, Lambdin.

On motion of Mr. Hendry,

A Committee of three was appointed to revise the rules of the Council.

Committee, Messrs. Hendry, Mathias, Price.

Mr. Updegraff (Mr. Elder in the Chair,) introduced the following Joint Resolution, which was adopted:

Resolved, By the Council, (the House concurring therein,) That a Committee of three on the part of the Council, and five on the part of the House, be appointed, with instructions to report a set of Joint Rules for the government of the two Houses.

Also, the following resolution, which was adopted:

Resolved, That the Committee on Ways and Means be instructed to inquire into the subject of taxation, and report what legislation, if any, is necessary in relation thereto.

Committee on Joint Rules—Messrs. Updegraff, Mathias, Thomas.

On motion of Mr. Updegraff, the communication of Wm. J McCowan, relative to Taxes, was referred to Committee on Ways and Means.

On motion of Mr. Mathias, the President of the Council was requested to act as Chairman of the Committee on Joint Rules.

On motion of Mr. Benton,

The council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the Chair.

Quorum present.

Mr. Mathias, on leave, introduced Council Bill, No. 5, entitled "An Act to divorce Mary Hough and Henry C. Hough," which was

Read first time.

Mr. Benton, on leave, introduced Council Bill, No. 6, entitled "An Act divorcing Augustus Bilger and Emeline Bilger," which was

Read first time.

Mr. Woodward presented the petition of Charles Columbia and 70 others, of Morris county, asking for a change in the eastern boundary of said county;

And of J. B. Segar and 39 other voters, living on ten mile strip, in range 9, Breckinridge county, asking to be attached to Morris county.

Read and referred to Committee on Counties and County Lines.

Mr. Palmer, on leave, introduced Council Bill, No. 7, entitled "An Act to Legalize the Assessment of Taxes in Pottawattamie County."

Read first time.

Mr. Hendry, on leave, introduced Council Bill, No. 8, entitled "An Act to amend an Act entitled an Act regulating the fees of officers, jurors and witnesses;" approved Feb. 11th, 1859.

Read first time.

Mr. Woodward offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish each member and officer of the Council with two copies of the Daily Lawrence Republican, during this session, and that the Secretary of the Council be directed to deliver a copy of this resolution to the Secretary, and confer with him on the subject.

Mr. Keeler moved to lay on table until to-morrow morning.

Lost.

Mr. Hendry moved to amend by striking out "two copies of Daily Lawrence Republican," and inserting "six copies of Daily Lawrence Republican, two copies of the Daily Leavenworth Herald, and two copies of the Daily Leavenworth Times."

Lost.

On motion of Mr. Price, the resolution was amended by striking out "Secretary of Council," and inserting "a member of the Council."

The resolution, as amended, was then adopted.

The chair appointed Mr. Thomas said Committee.

Mr. Mathias offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms, on behalf of the Council, be and is hereby instructed to request the Acting Governor to furnish a strip of carpet, to be laid down in the aisle of the Council, and also carpet for the stand of the President of the Council, and also that saw-dust be put upon the floor, both inside and outside of the Council chamber, and also on the second flight of steps from the bottom.

Mr. Elder offered the following resolution, which was adopted:

Resolved, That the Committee on Militia be directed to examine the situation of the laws of this Territory, and ascertain

if any Legislation is necessary to place that department in an available condition, and report by bill, or otherwise.

Mr. Keeler, by leave, introduced Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens," which was

Read a first time.

Also, Council Bill No. 10, entitled "An Act divorcing John C. Kennett and Jemima Kennett, which was

Read first time.

On motion of Mr. Elder,

The Council went into an election for Chaplain.

Mr. Elder nominated Rev. Mr. Reynolds, and

Mr. Hendry nominated Rev. S. Y. Lum.

The vote being taken, resulted as follows:

For Mr. Reynolds: Messrs. Elder, Keeler, Thomas and Wooward—4.

For Mr. Lum: Mr. Hendry—1.

Rev. Mr. Reynolds having received a majority of all the votes cast, was declared elected.

On motion of Mr. Elder,

The Secretary was instructed to call on Rev. Mr. Reynolds and inform him of his election.

The Sergeant-at-Arms, through the President, reported that he had called upon the Secretary, in reference to the stationery.

[Report of Sergeant-at-Arms not furnished.—PRINTER.]

On motion of Mr. Thomas,

The Council adjourned until to-morrow morning at ten o'clock.

JOHN J. INGALLS,
Secretary.

SATURDAY, Jan. 12, 1861.
Ten o'clock A. M.

Council convened.

President in the chair.

Present—Messrs. Benton, Elder, Keeler, Mathias, Palmer, Price and Mr. President.

Absent—Messrs. Christison, Hendry, Lambdin, Stewart, Thomas and Woodward.

Journal of yesterday read, and

Approved.

The resolution, relative to printing the Governor's message, being the special order for this hour,

On motion of Mr. Elder,

Its consideration was postponed for an hour.

The resolution of Mr. Elder, indorsing the conduct of Major Anderson, being the special order for this hour,

Mr. Elder moved its adoption.

Mr. Mathias offered the following amendment:

Add, after Major Anderson, "the subordinate officers and the private soldiers who had the good fortune to be with him."

Mr. Palmer moved to amend the amendment by striking out "who had the good fortune to be with him," and insert "under his command."

Carried.

The amendment, offered by Mr. Mathias, was

Lost.

The question recurring on the adoption of the original resolution, and the yeas and nays being demanded,

The vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas and Mr. President—10.

Nays—Mr. Mathias—1.

And so the resolution was adopted.

Mr. Morrow came forward and took the oath, provided in the resolution permitting him to copy the journal.

Mr. Thomas, committee to confer with the Secretary of the Territory, submitted the following communication:

SECRETARY'S OFFICE,
Jan. 12, 1861.

HON. CHESTER THOMAS, COMMITTEE, &c.—SIR:—I regret that my instructions are such as to render it impossible for me to accede to the request of the Council, to furnish the honorable members and officers thereof with ten copies of the Daily Lawrence Republican. While it will ever please me to extend, to the most liberal limit of my instructions, every favor possible, to your honorable body, I cannot, nor would you desire me to, by acting in direct contravention of the rules of the department, to which I am held accountable, incur obligations I would be compelled to personally discharge.

With very great respect,
I have the honor to be your obedient servant.
G. M. BEEBE,
Secretary Territory of Kansas.

On motion of Mr. Palmer,

The report was accepted and the committee discharged.

Mr. Thomas, on leave, introduced Council Bill No. 11, entitled "An Act to enroll, organize and equip the militia of Kansas," which was

Read first time.

On motion of Mr. Thomas,

The rules were suspended, the Bill

Read a second time, and

Referred to Committee on Militia.

The resolution in reference to printing the Governor's message being the special order for this hour,

The motion to strike out "one thousand" and insert "five hundred" was

Lost.

On motion of Mr. Mathias,

"One thousand" was stricken out and "five hundred in English and three hundred in German" inserted.

The resolution, as amended, was then

Adopted.

Mr. Benton, on leave, introduced Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of 'An Act to incorporate the city of Sumner,'" which was

Read first time.

Mr. Benton offered the following resolution, which was adopted:

Resolved, That W. B. Hutchison, reporter for the Leavenworth Herald, be admitted to a seat inside the bar of the Council.

Mr. Keeler, on leave, introduced Council Bill No. 13, entitled "An Act divorcing Harriet L. Parker and Howard E. Parker," which was

Read first time.

Mr. Mathias, on leave, introduced Council Bill No. 14, entitled "An Act amendatory of the laws respecting guardians and wards," which was

Read first time.

On motion of Mr. Elder,

The Secretary was instructed to inform the House of Representatives of the passage of the resolution in relation to Major Anderson.

Mr. Price introduced petition of Elen Jane Moore, asking for a divorce, with facts certified to by others.

Mr. Mathias, on leave, introduced Council Bill No. 15, entitled "An Act to divorce William West and Mary Ann West," with accompanying documents, which was

Read first time.

Mr. Price, on leave introduced Council Bill No. 16, entitled "An Act divorcing Elen Jane Moore," which was

Read first time.

Mr. Benton, on leave, introduced a Memorial and accompanying evidence in case of Augustus Bilger versus Emeline Bilger," which was

Read and referred to Committee on Judiciary.

Mr. Keeler, chairman of the Committee on Militia, submitted the following report:

MR. PRESIDENT:—Your committee, to which was referred the resolution respecting Militia, beg leave to make the following report:

Having had an interview with the Governor, and several prominent lawyers, upon the subject, your committee come to the conclusion there is no law now existing in the Territory of Kansas whereby the Militia could be organized or called out should occasion require it.

CHAS. G. KEELER,
Chairman.

Council Bill No. 1, entitled "An Act additional to an act entitled 'An act to provide for the taking up and posting strays,'" was

Read second time, and

Referred to Committee on Agriculture.

Council Bill No. 2, entitled "An act to repeal an act entitled 'An act for the benefit of Livery Stable keepers,'" was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 3, entitled "An act to extend the time for paying taxes, was

Read second time, and

Referred to Committee on Ways and Means.

Council Bill No. 4, entitled "An act to incorporate the Spring Dale Town Company," was

Read second time, and

Referred to Committee on Corporations.

Council Bill No. 5, entitled "An act to divorce Mary Hough and Henry C. Hough," was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 6, entitled "An act divorcing Augustus Bilger," was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 7, entitled "An act to legalize the assessment of taxes in Pottawattamie county," was

Read second time, and

Referred to Committee on Ways and Means.

Council Bill No. 8, entitled "An act to amend an act entitled 'An Act regulating the fees of officers, jurors and witnesses,'" approved February 11th, 1859, was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens," was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 10, entitled "An Act divorcing John C. Kenneth and Jemima Kenneth," was

Read second time, and

Referred to Committee on Judiciary.

The Committee on Rules for the government of the Council, submitted a body of rules, which was received and made the special order for three o'clock, P. M.

Mr. Stewart, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committtee on Agriculture, to whom was referred Joint Resolutions memorializing Congress to provide for the survey and sale of certain lands, having had the same under consideration, respectfully report that a large number of citizens of this Territory have settled in the southern portion of the counties of Bourbon, Allen, Woodson and Greenwood, on a strip of land supposed, at the time of settlement, to be a portion of the tract known as New York Indian Lands, but which, by a late survey, has proved to be portions of the Cherokee Neutral, and Osage Indian Lands. We find that these persons have held themselves amenable to the laws of the Territory, being recognized by the Courts of the Territory, having paid taxes, and in all respects demeaned themselves as becomes good citizens of this Territory. In consideration of the above facts, and the further fact that the land thus settled upon embraces a portion of the best farming country in Kansas, your Committee therefore heartily recommend the passage of the preamble and resolutions.

WATSON STEWART,
J. C. LAMBDIN.

Report of the Committee was received.

On motion of Mr. Price,

The Council adjonrned until three o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

President in the Chair.

Quorum present.

The President announced the special order for this hour to be the consideration of the report of the Committee on Rules and Regulations.

On motion of Mr. Elder,

The Council went into Committee of the Whole, in consideration of the subject.

Mr. Stewart in the chair.

After some time spent therein,

The Committee arose, reported the Rules back, with sundry amendments, and recommended their adoption.

The report was agreed to.

Mr. Thomas offered the following resolution, which was adopted:

Resolved, by the Council, that the Sergeant-at-arms be instructed to have two copies of the daily Calendar printed for each member of the Council.

On motion of Mr. Hendry,

The vote by which the resolution was adopted was reconsidered.

On motion of Mr. Elder,

The words "and officers" were inserted after "members."

The resolution, as amended, was adopted.

On motion of Mr. Stewart,

The Council adjourned until ten o'clock Monday morning.

JOHN J. INGALLS,
Secretary.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, LECOMPTON, KANSAS,
January 1, 1861.

To the Honorable, the Council and House of Representatives of the Territory of Kansas:

GENTLEMEN:—In accordance with the provisions of law governing this office, I herewith submit my report of the financial condition of the Treasury Department of the Territory of Kansas for the last fiscal year, ending December 31, A. D. 1860. For a statement of the condition of the Revenue, and amount of expenditures of the Territory, I respectfully refer you to accompanying exhibit A.

EXHIBIT A.

Upon examination you will perceive that the liabilities of the Territory have been reduced, since my last report, finding the assets to be $8,056.66. This amount of assets ($8,056.-66) would be increased, had all the counties reported the abstracts of taxable property. Brown county has not reported the abstracts for the years 1858 and 1860. This exhibit shows that but a very small amount of revenue has been paid into the Treasury, during the present year, amounting only to $3,197.33. This is easily accounted for. No Territorial taxes have been levied

since the year 1858, until within a short time (November last) and of which no part has been paid into the Treasury.

EXHIBIT B.

It will be found, from exhibit B, that the whole amount of revenue paid into the Treasury, for the year 1860, is $3,197.33, and the amount of warrants issued upon the Treasury, for the same time, is $41,234.14.

RECAPITULATION.

Showing the condition of the Territorial Treasury, December 31, 1860, *including all transactions previous.*

Upon examination, it will be found that the whole amount of revenue paid into the Territorial Treasury, up to the present time, amounts to the sum of $35,617.48.

The whole amount of warrants issued by the Auditor is $124,-962.28. The outstanding (unpaid) warrants amount to $89,-344.80, ($124,962.28—35,617.48=89,344.80.

EXHIBIT C.

Showing the actual indebtedness of the Territory, upon all accounts, December 31, 1860, *without considering resources.*

Upon examination of this exhibit, it will be found that the Territorial debt is gradually increasing, from year to year, until it has reached the sum of $99,170.98.

This is no flattering commentary upon the economical administration of a Territorial Government; it is certainly time to consider the means of liquidating our indebtedness. Of this amount, $99,170.98, the greater part was incurred as Legislative Expenses (although the United States makes annual appropriations to pay the ordinary expenses) and expenses of Constitutional Conventions.

The Legislative expenses of last winter amounted to over eight thousand dollars, over and above what the General Government paid, yet I know that many members of that assembly, with commendable zeal for the good of the Territory, endeavored to lessen the Legislative expenses. The Legislature could possibly lessen the number of clerks, and also their compensation, yet be able to discharge the ordinary duties of Legislation. The clerks and attachees have, heretofore, received about double the amount, per diem, the *members* of the Legislature have.

The Territorial debt could be (without being a burden upon the people) liquidated by annually levying a small Territorial tax, and the *prompt collection*. The postponement of the collection of taxes has had a very bad effect, and has, heretofore, resulted in no good to the resident tax payers, as I am informed,

by the collectors, that the poorer classes pay their taxes more promptly, in order to avoid the payment of the per centage for delinquency, but the speculator, the capitalist aad non-resident delay paying as long as possible, or if, having failed, and incurred the penalty, (ten per cent. added to their tax,) they seek relief at your hands, to grant which is an injustice to those who have paid, and but little encouragement given, in future, for prompt payment of taxes. I am informed that it is the experience of every tax collector in the Territory, that the bona fide residents are always the most willing to pay their taxes, while the speculators and non-residents are the most reluctant.

To collect the taxes only transfers the money of the residents, *one to another*, but of the non-residents, it *brings the money from abroad into our midst*, thus improving our financial condition.

A postponement of taxes will keep out of the country the *amount* of *taxes* paid by non-residents; will so depreciate the credit of the counties and Territory, that the effect will be more disastrous than the rigid enforcement of the revenue laws.

Several counties failed to levy the Territorial tax for the year 1860. A law ought to be passed requiring the county Clerk, or county Treasurer, to apportion the Territorial tax, as certified by the Secretary of the Territory, by the first day of March, and be collected as other taxes. The counties of Leavenworth and Douglas have failed to levy this tax; these counties failed to levy the Territorial tax because the certificate of the amount, from the Secretary of the Territory, (the occasion of the delay is explained by report of the proceeding of the Territorial Board of Equalization, herewith transmitted,) did not reach the counties at the required time.

The counties are the oldest organized, the wealthiest and the most populous in the Territory; and common justice to the other counties require that the Territorial taxes shall be levied in these counties, as well as all others failing to do so, by a special act.

EXHIBIT D.

Showing Sundry Accounts filed in this Office against the Territory for which there are no Appropriations.

The account of Todd, Younkin and Barry, for the sum of $524.00 was incurred under the provisions of the law, locating certain Territorial Roads, passed by the Legislative Assembly '59. These gentlemen were appointed Commissioners and performed the duty required of them; but before they presented their accounts in proper shape, the "Road Fund" was suspended by an act of the last Legislature. (See Chap. VII.) You will

also notice an account for "keeping State prisoners." I think the best policy would be, to require each county to pay for the judicial expenses of all criminal prosecutions arising or tried within her border; but, if you should think otherwise, some additional legislation will be necssary to authorize the Auditor to audit the accounts.

EXHIBIT E.

Shows the Balance due from the Counties of the Territory, including amounts due from some of the Counties for Taxes of '55, '56, '57 *and also for the year* 1858.

In regard to the taxes of '55, '56, and '57, I would recommend the passage of a law, releasing the counties from the further payment.

The delinquent taxes of '58 are in very unsatisfactory shape, mainly assumed by the counties. I would recommend that the Territorial Board of Equalization be authorized to add the delinquent taxes of 1858, remaining unpaid, of each county, to the amount required by law to be raised for Territorial purposes for the year 1861. Some of the counties have paid the whole amount of Territorrial tax of 1858, whilst on the other hand other counties Jefferson, Bourbon and Anderson never levied any Territorial tax. "Equal and exact justice" would be for all to collect the tax levied by the Territory. For the purpose of giving information concerning the condition of the delinquent taxes, I have prepared in detail a statement of each county in arrears, for taxes levied previous to the years 1859 and '60. I have used every effort to get a correct statement from the county officers in relation to the delinquencies of their respective counties; have visited some of the counties and examined the records, but am convinced that it will be impossible to collect the delinquent taxes of '55, '56 and '57; and whilst the taxes of '58 might possibly be collected, yet the most practicable way is, to collect, by additional levy heretofore mentioned, and authorize the county to retain the delinquent when redeemed.

Upon examination of the laws of '58 and also 1860, it will be found that no provision for delinquent Territorial tax has been made, but they provide that the whole amount of Territorial taxes shall be paid, the law providing that the county for the deficiency shall have relief from the delinquent list.

EXHIBIT F.

Shows the General and Special Appropriations for the year 1860, *the Amount paid in Pursuance of the same, and the Balance unexpended.*

It will be found that I have not exceeded the appropriation in any case.

County Treasurers are required to pay into the Treasury, in

gold or silver coin or Territorial warrants, collected by them, the Territorial taxes. The law should be amended so as to be unmistakable. I understand the law to mean, that the County Treasurers shall pay into the Treasury all the gold or silver he collects for taxes, and shall pay all the Territorial warrants he collects for taxes. This would prevent the County Treasurer from speculating in Territorial warrants, which the Legislature, I presume, does not wish to license. The law provides that the Auditor shall administer an oath to the collector, before giving him a credit upon the books of his office, "that he (Collector) has not used or appropriated any of the public money for his private use or benefit, nor for the benefit of any other person." I would recommend the repeal of the law providing for Duplicate warrants. The law provides, that the Auditor in certain cases shall issue Duplicate warrants, and shall give notice to the treasurer, who is required to cancel the original warrant. If the original warrant was lost, the finder can use it either in paying taxes or selling it to innocent parties; but the law provides that the original warrant shall be canceled, and the Treasurer, to comply with the law, cannot take such warrant from the Collector of taxes, and it thus becomes a loss to the Collector, who cannot know to whom Duplicate warrants have been issued. In the other case it is a loss to an innocent purchaser.

There seems to be a misunderstanding about the interest on Territorial Warrants, some of the County Treasurers having allowed ten per cent. per annum, instead of eight, which the law allows after the warrant has been presented for payment. (See law of 1859, Chap. CXXVII, Sec. 11, page 632.)

JUDICIAL EXPENSES.

The Legislature, at the last session, passed an appropriation to pay the Judicial Expenses of the 1st and 2d Judicial Districts, of the United States District Court. I see no good reason to confine the appropriation to the 1st and 2d District. Why not include also the 3d? There has been a misunderstanding between this office and the clerks of the districts, in regard to the application of the appropriation. The Clerk of the 1st District filed accounts "accruing against Territory previous to Dec. 1, '57.' He also filed accounts subsequent, but claimed that the accounts, although audited in the name of the person performing the service, and warrants issued therefore, should be delivered to him. This I declined to do, believing it to be my duty to issue the warrants in the name of the person, and also deliver the warrants to them, upon surrendering the clerk's certificate. A still greater difference of opinion exists with the Clerk of the 2d District.

He demanded all the Judicial Expenses adjudged against the Territory for 2d District to be audited in favor of the clerk, and warrants issued accordingly. I declined to do so. He applied to the court and obtained a mandamus. I herewith transmit the proceedings, believing it due to myself, to give you the reason why I have not audited the Judicial Expenses, as agreed with your special committee last winter, which was to audit the accounts in favor of the persons entitled to the warrants.

(MANDAMUS.)

To the Honorable RUSH ELMORE, *Associate Justice of the Supreme Court of Kansas Territory and Presiding Judge of the Second Judicial District Court of the United States in and for the Second Judicial District of Kansas Territory.*

Your petitioner, Loami McArthur, Clerk of the Court aforesaid, complains of Hiram J. Strickler, Auditor of Kansas Territory, and says: That at the March Term of the District Court aforesaid A. D. 1858, a certain prosecution was instituted by indictment against Wm. H. Angler, for Grand Larceny, and in prosecution a *nolle prosequi* was entered at the term aforesaid on the indictment aforesaid, and the costs thereof adjudged against the Territory of Kansas, and which costs were duly taxed by said Clerk against the Territory of Kansas, in a regular itemized Fee Bill, and delivered to the Prosecuting Attorney of said Court, at the October Term thereof, A. D. 1858, then next succeeding the term aforesaid, and by him and the Presiding Judge examined in term time, and allowed against the Territory of Kansas, for the sum of thirteen Dollars and fifty Cents, and ordered to be certified to the Auditor of Kansas Territory for payment, as appears by their certificate on the margin of said Fee Bill. Complainant further says that ten Dollars of said Fee-Bill is due for Attorney's fees. Complainant further says, that said original Fee Bill was placed on the files of said Court, and a certified copy thereof was presented to the said Auditor for auditing and payment, and thereof payment being demanded by said Clerk, and payment thereof of the ten Dollars Attorney's fees, was then and there refused by the said Auditor. And said complainant further complains and says that he presented claims as aforesaid for witnesses and jurors, to-wit: $6.40 for witness claims; $7.50 for jurors claims, amounting in all to the sum of $27.44, and asked that the same be audited and warrants drawn on the Treasury in my name, payable out of any money appropriated for judicial expenses to the said L. McArthur, Clerk of the Court aforesaid, which auditing and order for payment by the said Hiram J. Strickler, Auditor as aforesaid was refused. Therefore, complainant prays for a peremptory writ of mandamus against the said Hiram J. Strickler, Auditor as aforesaid, commanding him to audit and pay the claims aforesaid, to the said Loami McArthur, Clerk as aforesaid, as above demanded.

L. McARTHUR, Clerk.

To which petition Hiram J. Strickler, defendant, made his answer, which answer was in words and figures as follows, to-wit:

To the Hon. RUSH ELMORE, *Presiding Judge of the Second Judicial District Kansas Territory:*

Loami McArthur, Clerk of the 2d Judicial District Court having filed certain fee bills before the Auditor, asks that warrants shall be issued for the same upon the Territorial Treasurer. The Auditor refusing to audit the accounts or fee-bills in the manner demanded, and also refusing to issue the warrants in the manner demanded, said Clerk files his complaint before your honor, asking that a mandamus shall be granted compelling the Auditor to comply with his demands. The Auditor respectfully protests for the following reasons:

The Auditor has never refused to audit the accounts or fee bills where the Territory was liable for costs, and properly certified to by the Judge and Prosecuting Attorney, (which is the evidence of the fact,) but is willing to audit said claims *in favor* of the *respective parties* interested; but said Clerk demands that said fee bills or accounts shall be audited in his own name, which the Auditor does decline to do.

The Auditor does not decline to issue warrants upon the Treasury for the fee bills or accounts, provided they have accrued in accordance with the provisions of the appropriation bill for Judicial Expenses passed by the last Legislature, but is willing to issue the warrants in the name of the *parties*, who *performed* the *service* and who are *entitled* to *compensation*; but the Auditor is not willing to issue the warrants in the name of parties, such as witnesses, jurors, &c., until the said parties shall apply for them and give receipt for the same. For it is a well known fact that a very large number of the witnesses and jurors of the Court of 1858 are not now in the Territory, and never will claim, in all probability, any compensation for said services. Neither is the Auditor willing to issue the warrants in the name of parties performing the service and (*without their receipt for said warrants*) deliver the same to the said Clerk as he demands, nor is he willing to issue warrants for "cost bills," "fee bills," &c., in the name of the Clerk, but will issue so much as he may be entitled to in his name and take his receipt therefor.

The Auditor can find no law authorizing him to audit the account and issue the warrants in the manner demanded by the said Clerk. The Clerk claims that he is the collector of fees by the law of 1855, but that law did not require the Auditor to issue the warrants; but the law seemed to contemplate that the Clerk should collect the fees of the Treasurer without any warrants from the Auditor, I respectfully refer your honor to the law governing and prescribing the duties of the Auditor, Statute 1859, the Appropriation Bill of Judicial Expenses, also an Act entitled "An Act for the payment of costs in certain cases, and for other purposes." This act appropriates money to pay witnesses and bailiffs in District Courts, also Recorders' Courts. Sec. 3rd provides: The Territorial Auditor is hereby authorized and required to draw warrants upon Territorial Treasurer for said costs and fees in *favor of the persons entitled to receive the same*, upon the certificate of the Clerk of said Courts or said Recorder, as the case may be; and such certificate shall be a sufficient warrant to the Auditor for the allowance of the amount therein specified.

Very respectfully submitted,

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
March 16, 1860.

McARTHUR
vs.
STRICKLER, Auditor. } *Motion for Mandamus.*

The laws for 1855, as well as the laws of 1859, page 227, sections 223, 224 and 225, make it the duty of the Prosecuting Attorney and Judge to examine and certify the fee bills of the Clerk. It is also made the duty of the Clerk to collect the fees so certified. Previous to the passage of the act appropriating money to defray the Judicial Expenses of Kansas, approved February 27th, 1860, on the presentation of the fee bills, so approved, the duty of the Auditor was to give a certificate and report the same to the next Legislature. The last act making appropriations, renders the duty of the Auditor plain; he must draw his warrants on the Treasurer, for the amount so certified by the Attorney and Judge, in favor of the Clerk. Such is unquestionably the law and I cannot look behind it. It is made the duty of the Clerk to collect the costs, and pay the same over to the parties, whenever they call for it. It may be an oversight of the Legislature, and the beneficiaries may never call for it, but that does not alter or change the law. The Territo y is indebted to those parties and prepares the way to pay them, to wit: through the Clerk.

The act, approved February 25, 1860, has nothing to do with the case at bar. The Auditor will, therefore, issue his warrant to Loami McArthur, Clerk of the District Court of the 2nd Judicial District, on his producing and filing a certified copy, or copies, of the fees, as allowed by the Judge and Prosecuting Attorney, if accrued since the year 1857.

Done at Chambers, this the 16th day of March, 1860.

RUSH ELMORE, Judge.

And be it remembered that, at the March adjourned May term of the District Court of the United States within and for the Second Judicial District of Kansas Territory, begun and held at the Court House at Lecompton, in said District, on and from the 28th day of May, A. D. 1860, and that on the 6th day of June, at the term aforesaid, were had, among other things, the following proceedings, to wit:

L. McARTHUR, Clerk, &c.,
vs.
HIRAM J. STRICKLER, Auditor. } *Mandamus.*

And now comes L. McArthur, in his own proper person, and said Hiram J. Strickler, Auditor of Kansas Territory, having answered the petition of said L. McArthur, Clerk of the District Court of the United States, within and for the Second Judicial District of Kansas Territory, herein, against him, and by consent of parties this cause comes in to be heard, herein, and upon the proofs and allegations submitted and the argument had and being considered by the Court, it is ordered that the Auditor will, therefore, issue his warrants to Loami McArthur, Clerk of the District Court of the Second Judicial District, on his producing and filing a certified copy or copies of the fees, as allowed by the Judge and Prosecuting Attorney of this Court, or of any county in said District, if they accrued since the year A. D. 1857.

I, L. McArthur, Clerk of the Court aforesaid, do certify that the above and foregoing is a true copy, and perfect transcript, of the original, as the same now remains on file and of record in my office.

Witness my hand, with the seal of said Court affixed, at my office, this 19th day of June, 1860.

LOAMI McARTHUR,
Clerk.
By H. McARTHUR, Deputy.

LECOMPTON, K. T., July 24, 1860.

HON. RUSH ELMORE, Tecumseh, K. T.—*Dear Sir:*—I have to advise you that information has been received, at this office, to the effect that certain counties have paid the expenses that were adjudged against the Territory in criminal cases. The County Clerk of Franklin county advises me of that fact. I learn, from Mr. L. McArthur, that the counties of Jackson, Lykins, Shawnee and Douglas have paid part of the same. The counties are making application to be reimbursed. Mr. McArthur, Clerk of District Court, informs me that he will present the accounts for settlement, at this office, as though no payment had been made by the counties, such payment being illegal. As the mandamus stands against me I shall be compelled to issue the warrants, as you decided, unless withdrawn. I ask to be advised whether the county Prosecuting Attorney's certificate, with the District Judge's signature, is a sufficient voucher for me to admit the accounts. Some of the fee bills are certified to by the U. S. District Attorney, or deputy, and some by the Prosecuting Attorney of the several counties, you having used, in the mandamus, the language, viz.: "Attorneys of this Court." The Clerk of the Second Judicial District Court has not filed all his fee bills and Accounts *vs.* Territory, that have accrued since Jan. 1st, 1858, until June, 1859. I have declined to audit, unless all are presented, for the reason the Clerk has had time to file them (June 1st, 1859) and, unless such a course is adopted, there is a possibility of a fee bill being audited and allowed twice; for, in such a mass of papers, the Clerk may, by accident, file two or three copies of the same fee bill, and it is impossible for the Auditor, unless examined at the same time, to distinguish or remember what had or had not been audited.

Respectfully,

H. J. STRICKLER.

(Official.) TECUMSEH, Ju'y 25, 1860.

HON. H. J. STRICKLER—*Dear Sir:*—In reply to yours of the 24th inst., I have to say that the Territorial Laws point out a specific way for the payment of expenses of criminal prosecutions, in those cases wherein the Territory of Kansas is liable for the expenses. Payments made by other parties not the Territory at their own volition, under no provisions of law, are not in law a satisfaction of the demand, and the parties paying would be compelled to look to the parties receiving for a re-imbursement of the amount so paid. Justice and equity would say that where a party has received pay once, they would have no right to receive it again, and that where counties have paid these liabilities, the parties who receive such pay, transferred their accounts against the Territory to their respective counties. It results from this then, that those counties which have in part or in whole paid these expenses, should be credited each one with the amount so paid; thus creating an indebtedness in favor of these counties against the Territory. If this is not done, I do not see how the payment by the Territory to the Clerk can be prevented. Future legislation will be necessary to give validity and force to this arrangement. Of course the amount so paid by the various counties will be deducted from the particular fee bills, whereon they have been paid. This will give the Auditor much trouble and labor, but I conceive it to be absolutely necessary to protect the pecuniary interests of the Territory and the various counties.

These payments not having been made by the request or application of the Clerk, but by the volition of the counties, themselves exhibiting a zeal and energy in the discharge of their public duties, which if confined within their proper sphere would have entitled them to much credit and commendation. Wherever the fee bills are certified to by the Judge, U. S. District Attorney or Deputy or by the Prosecuting Attorney, I conceive it to be all sufficient. I do not think that the Auditor has the right to require all of the fee bills which have accrued since Jan. 1858 or June '59 at one time. I think the Auditor would be required to issue his warrants as the fee bills are separately presented to him for consideration, while convenience and a prompt dispatch of business would certainly suggest the propriety of the Clerk presenting the bills of each of the counties separately and all from each county at the same time. This would certainly expedite business and render the duties of the Auditor much less arduous. I have no reasons to doubt but that the Clerk will pursue this course. It is certainly possible that, through mistake, carelessness or otherwise (though I hardly think this probable) that a fee-bill may be made out more than once and presented to the Auditor for allowance; but the Auditor must guard against this by a careful and accurate examination of each seperate fee bill, the Clerk rendering all assistance in his power. I believe I have answered all of the suggestions contained in your communication.

Respectfully yours,

RUSH ELMORE,
Judge.

It may be proper to state that I have audited, in favor of the Clerk of the Second Judicial District, the judicial expenses adjudged against the Territory (and not paid by the county) in Jackson county, September Term, 1858, for $524.17 and Coffey county for the March Term, 1859, for $455.29. He has filed a number of fee bills for costs in Shawnee county. Being filed too late to include in this report, I have not audited them.

I herewith transmit a copy of the proceedings of the Territorial Board of Equalization, with a recapitulation showing the total number of acres of land in each county, the average value of land as reported by county Clerk, average value of land per acre as fixed by the Board, total value of real estate in each county, total value of real and personal property, amount of Territorial tax to be raised in each county.

Considering the difficulties to which the Board were subjected, I think you will find the equalization as equitable as could be expected. Upon examination you will find that, although the Board did not have all the abstracts from the counties before them, yet the average value per acre, as fixed by the Board, only differs five mills upon the acre with the average value per acre as reported by the county clerks, the former being $4.28 1-2 and

the latter $4.28. You will find upon examination that the laws should be amended governing the Board.

These are the most important suggestions that occur to me at this time; and, if favorably considered by your Honorable Body, I trust will prove in the end for the good, (as I ardently desire,) of the people of Kansas.

Very respectfully submitted,

H. J. STRICKLER,
Auditor.

EXHIBIT A.

General Account, Kansas Territory, showing expenditures and resources for the fiscal year, ending Dec. 31st, 1860:

1860.	KANSAS TERRITORY.	Dr.
Jan. 1.	To bal. per Auditor's Rep., Dec. 31, 1859,	32,117.86
Dec. 31.	Claim Commissioners and expenses,	4,337.25
"	Legislative expenses for the year 1859,	1,691.65
"	Legislative and Leav. Convention Ex.,	427.00
"	Legislative expenses for the year 1860,	5,995.00
"	John Kendall interest all'd by Legislat'e,	75.00
"	Special Relief Appropriations, 1860,	5,763.35
"	Commiss'rs investigate election frauds,	254.50
"	Sundries, (Aud'r's and Treas'r's acct's,)	3,200.00
"	Librarian, and office rent,	200.00
"	Incidental Expenses,	250.00
"	Collect'ns and settlem't of delinq't taxes,	500.00
"	Wyandott Constitutional Convention,	10,640.72
"	Judicial expenses January term of the U. S. Dist. Court held at Lawrence,	85.50
"	Recorder's Court, Leavenworth city,	446.95
"	Judicial expenses Leav. county, First District Court, Aug. Term, 1858,	809.93
"	Pay jurors, witnesses and bailiffs, Aug. Term Leav. county First Dist. Court,	442.45
"	Pay jurors, witnesses and bailiffs, Aug. Term Atchison Co. First Dist. Court,	418.88
"	L. McArthur, clerk 2nd Dist., Sept. Term, 1858, Jackson county,	524.17
"	L. McArthur, clerk 2nd Dist., March Term, 1859, Coffey county,	455.29
"	Supt. Common Schools,	1,230.50
"	S. W. Greer, Supt. Common Schools,	1,850.00

EXHIBIT A—*Continued.*

Dec. 31.	To Expenses incurred under provisions of Law since '57,		1,534.20
"	Contingent expenses for 1859 and 1860,		604.80
"	Johnson county,		435.55
"	Pottawattamie county,		177.90
"	Shawnee county,		1,016.01
"	Doniphan county,		243.76
"	Breckinridge county,		26.80
"	Franklin county,		655.83
"	Brown county, (error in assessment, '56)		284.18
"	Coffey county,		732.00
"	Jackson county, (double assessment,)		1,100.90
"	Atchison county, (delinquent tax, '56,)		276.53
"	Madison county,		116.95
"	Balance, (assets,)		8,056.66
			$86,978.07

1860.			Cr.
Dec. 31.	By Treas. revenue pd, (warrants red'med)		3,197.33
"	Shawnee county assessment for 1858,		1,322.57
"	Pottawattamie " "		371.28
"	Madison " "		116.95
"	Riley " "		674.35
"	Johnson (Peddler's license, 1857,)		76.00
"	Atchison (dram shop " ")		31.46
"	Leav. county assessment 1859 and '60,		15,752.67
"	Douglas " "		7,468.63
"	Doniphan " "		6,119.08
"	Lykins " "		3,978.12
"	Jefferson " "		3,571.33
"	Coffey " "		2,638.97
"	Nemaha " "		2,586.77
"	Wyandott " "		2,465.13
"	Jackson " "		2,400.40
"	Breckinridge " "		2,340.04
"	Franklin " "		2,068.57
"	Anderson " "		2,053.86
"	Osage " "		1,570.65
"	Marshall " "		1,055.50
"	Pottawattamie " "		980.21
"	Bourbon " "		945.79
"	Wabaunsee " "		838.08
	Madison " "		701.68
"	Riley " "		568.04

EXHIBIT A—*Continued.*

Dec. 31.	By Allen	"	"	547.78
"	Chase	"	"	384.51
"	Woodson	"	"	322.32
"	Morris	"	"	259.13
"	Shawnee	"	"	3,689.45
"	Atchison	"	"	9,274.87
"	Clay	"	"	39,87
"	Dickinson	"	"	254.00
"	Davis	"	"	782.37
"	Johnson	"	"	3,139.54
"	Linn	"	"	2,090.77
				$86,978.07

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Dec. 31, 1860.

EXHIBIT B.

Showing the condition of the Territorial Treasury, Dec. 31st, 1860, including all transactions previous to Jan. 1st, 1861.

1860.	TREASURER OF KANSAS.			DR.
Dec. 31.	To Johnson county,	revenue	paid,	312.80
"	Linn	"	"in '57"	143.61
"	Pottawattamie	"		177.90
"	Shawnee	"		989.93
"	Doniphan	"		200.00
"	Breckinridge	"		26.80
"	Franklin	"		655.83
"	Coffey	"		732.00
"	Madison	"		102.07
"	Balance, (warrants outstanding)			89,344.80
				$92,685.74

1860.		CR.
Dec. 21.	By bal. per Report, Dec. 31, 1859,	51,451.60
"	Warrants issued during the year 1860,	41,231.14
		$92,685.74

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.
Dec. 31, 1860.

RECAPITULATION.

Showing the amount of revenue paid into the Treasury, and the whole amount of warrants issued, and the amount unpaid:

1860.	TREASURER OF KANSAS,	DR.
Dec. 31.	To am't revenue paid in the Treasury, 1856,	$1,811.88
"	" " 1857,	3,239.48
"	" " 1858,	681.12
"	" " 1859,	26,544.06
"	" " 1860,	3,197.53
"	" [omitted,] 1857,	143.61
"	Balance, warrants outstanding and unpaid to date,	89,344.80
		$124,962.28

1860.	TREASURER OF KANSAS,	CR.
Dec. 31.	By amount warrants issued, Feb. 1, 1857,	$5,211.48
"	" Jan. 1, 1858,	11,604.47
"	" Jan. 1, 1859,	4,502.93
"	" Jan. 1, 1860,	64,409.26
"	" to Jan. 1, 1861,	41,234.14
		$124,962.28

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, Lecompton, K. T.,
December 31, 1860.

EXHIBIT C.

Showing the actual indebtedness, on all accounts, Dec. 31, 1860, without considering resources:

KANSAS TERRITORY,	DR.
To indebtedness to Jan. 1, 1859,	$23,704.08
" Audited debts for the year 1859,	36,927.09
" Warrants issued and unpaid during year 1860,	36,689.81
" S. W. Greer, Supt. Com. Schools, " 1860,	1850.00
	$99,170.93

H. J. SRICKLER,
Auditor.

AUDITOR'S OFFICE, Lecompton, K. T., December 31, 1860.

EXHIBIT D.

Sundry accounts filed in the Auditor's Office, for which there is no appropriation.

Joel E. Giles, services in bearing requisition to the Governor of Indiana,	$378.99
Todd, Younkin & Barry, Com. to locate Territorial road,	524.50
John T. Pigett, warrant book for Auditor's office, 1857,	12.00
John Woolman, establishing election precincts,	50.00
Pat Cosgrove, boarding "State prisoners,"	155.40
G. W. Brown, Herald of Freedom, for Legislature, 1859,	28.00
Mrs. C. I. H. Nichols, Ass't Clerk of H. of R., 1860,	75.00
Rev. S. Y. Lum, services as Chaplain, Legislature 1857,	44.00
A. J. Mead, furniture for District Recorder's Office,	70.00

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, Lecompton, K. T., December 31, 1860.

EXHIBIT E.

Showing the balance due from sundry counties, on account of taxes assessed to date.

Dec. 31. 1860.	Johnson county,	$5,063.12
"	Pottawattamie,	1,173.59
"	Shawnee,	3,996.01
"	Doniphan,	8,352.92
"	Breckinridge,	2,524.43
"	Leavenworth,	24,776.91
"	Douglas,	10,985.03
"	Lykins,	4,983.91
"	Jefferson,	6,469,35
"	Coffey,	1,906.97
"	Nemaha,	2,652.67
"	Wyandott,	2,465.13
"	Jackson,	3,072.36
"	Franklin,	2,287.37
"	Anderson,	2,734.18
"	Osage,	1,570.65
"	Marshall,	1,055.50
"	Bourbon,	1,390.64
"	Wabaunsee,	838.08
"	Madison,	701.68
"	Riley,	1,009.72
"	Allen,	347.78
"	Chase,	384.51
"	Woodson,	322.32
"	Morris,	258.13
"	Atchison,	10,895.08
"	Clay,	39.87
"	Dickinson,	254 00
"	Davis,	782.37
"	Linn,	2,480.62
		$105,825.90

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, Lecompton, K. T.,
December 31, 1860.

EXHIBIT F.

General Appropriation, 1860, *showing amount paid and balance unexpended*:

GENERAL APPROPRIATIONS.	*Appropriations.*	*Expended.*	*Balance.*
Dec. 31, 1860.			
For Wyandott Const'l Con.,	$13,000.00	10,640.70	2,359.30
Pay't of Leg. Ex. 1859,	3,000.00	1,693.45	1,306.55
Leg. Ex. for year 1860,	6,000.00	5,995.00	5.00
Chas. F. Kob, pub. Proc. of Governor,	124.00	124.00	
Conting't Ex., election notices, &c., 1859 and '60,	5,000.00	604.80	
D. Auld, taking census '58,	50.00	50.00	
Huson & Blacklidge, boarding convict,	35.00	35.00	
Salary of Auditor and office rent,	1,600.00	1,600.00	
Salary of Treasurer and office rent,	1,600.00	1,600.00	
Salary of Librarian and rent of room,	200.00	200.00	
G. W. Brown, printing school law,	160.00	160.00	
Incidental expenses Auditor's office,	250.00	250.00	
Wm. McKay, Attorney Claim Comm'rs,	1,000.00	1,000.00	
Collection and settlement delinquent taxes,	500.00	500.00	
Geo. Ford, room rent and goods for Legislature,	500.00	500.00	
Incid'l Ex. Aud'rs office for y'rs '57, '8 and '9,	383.00	383.00	
Comm'r to audit claims and expenses,	300.00	300.00	
R. S. Newall & Peters, pub. Gov. proc. &c.,	50.00	50.00	
Sam'l A. Medary, pub. Gov. proc.,	60.00	60.00	
W. H. Gill & Co., pub. Gov. proc.	118.00	118.00	
Cummings & Shepherd, pub. Gov. proc.	60.00	60.00	
S. N. Wood, pub. Gov. proc.	75.00	75.00	

EXHIBIT F—*Continued.*

P. S. Post, pub. Gov. proc.	103.51	103.51	
J. W. Biggers, pub. Gov. proc.	80.00	80.00	
J. T. Hinton, pub. Gov. proc.	85.00	85.00	
Ex. incurred under provision of law,	3,000.00		
SPECIAL APPROPRIATIONS.			
For Pay't of costs, Leav. Co.,	1,726.95	1,689.33	25.62
" " Atchison	418.88	418.88	
" " 1st and 2nd Judicial Districts,	11,360.00	979.46	10,380.54
Geo. G. Pierce, services as mem. of Legislat'e,	75.00	75.00	
Hugh S. Walsh, Ex. inc'd,	250.00	250.00	
Moulton G. Farnham, special messenger,	240.00	240.00	
John Kendall, special messenger,	579.00	579.00	
Frank W. Roberts, Iron Safes,	1,383.00	1,383.00	
George F. Warren, Indemnification,	393.50	393,50	
James R. Whitehead, acc'ts vs. Territory,	1,085.00		

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Dec. 31, 1860.

A DETAILED STATEMENT OF THE ACCOUNTS OF THE SEVERAL COUNTIES IN ARREARS FOR TAXES LEVIED PREVIOUS TO 1860.

	LEAVENWORTH COUNTY,		DR.
1855.	Territorial Tax for year 1855,	$1,109 00	$1,109 00
	CR.		
	By am't paid by Green D. Todd, tax 1855,	1,109 00	1,109 00
	DR.		
1856.	To Territorial tax, year 1856, poll included,	1,514 27	
	do do 1857,	6,620 36	8,134 63
	CR.		
	By am't paid by Green D. Todd, revenue 1856,	232 51	
Dec. 31, 1857.	do by S. P. Tunnell, rev. 1856–7,	1,153 76	
	do do 1856,	625 00	
Feb. 16, 1859.	do by W. Tholen, 1857,	11 30	
	Balance, - - - -	6,112 06	8,134 63
Jan. 1, 1858.	To balance,	6,112 06	
	To Territorial tax, year 1858,	16,226 54	22,338 60
	CR.		
Feb. 16, 1859.	By am't paid by W. Tholen, rev. 1858,	4,029 16	
July 13, 1859.	do do do do	7,467 54	
Dec. 31, 1859.	do do do do	1,543 95	
do do	do allowed as percent'ge & mileage,	273 71	
	Balance, - - - -	9,024 24	22,338 60
	To balance, - - -	9,024 24	
Nov. 1860.	To Territorial tax, years 1859 & 1860,	15,752 67	
	Total balance, - - -		$24,776 91
	Recapitulation.		
	To balance due on Ter. tax for 1856 & '57,	6,112 06	
	do do do 1858,	2,912 18	
			9,024 24
	To Ter. tax for years 1859 and 1860,		15,752 67
November, 1860.	Total balance, - - -		$24,776 91

	DOUGLAS COUNTY,		DR.
1855.	To Territorial tax for year 1855,	$264 00	264 00
	CR.		
1855.	By am't paid by Sam. J. Jones, tax of 1855,	232 00	
do	do do do	8 00	
do	do of commission on $264 at 7 per cent.	18 48	
do	do cash to treasurer,	5 52	264 00

DR.

To Territorial tax of 1857,		1,345 62	
To do do 1858,		5,519 69	6,865 31

CR.

Nov. 15, 1859.	By am't paid by W. Yates, tax '58,	3,034 05	
Dec. 31, 1859.	do do do do	314 85	
Dec. 31, 1859.	By balance, - -	3,516 41	6,865 31
Dec. 31, 1859.	To balance delinquent tax of 1857,	1,345 62	
	do do do 1858,	2,160 79	
	Balance due Kansas Ter. to Jan. 1, 1859,	3,516 41	
	To Territorial tax of 1859 and 1860,	7,468 63	
Nov. 8, 1860.	Total balance due Kansas Territory,		$10,985 04

DONIPHAN COUNTY, DR.

Dec. 1855.	To tax list, year 1855,	$332 00	
Dec. 1856.	To tax list, year 1856,	775 00	
Dec. 1857.	To tax list, year 1857,	1,155 54	
Dec. 1858.	To tax list, year 1858.	2,355 66	4,618 20

CR.

Dec. 27, 1855.	By am't paid by Carey B. Whitehead, tax 1855, - - - -	332 00	
June 11, 1857.	do do do 1856,	539 44	
Oct. 15, 1858.	do do S. V. Jameson, tax 1857,	260 00	
Jan. 13, 1859.	do do R. J. Porter, tax 1857,	28 94	
do	do do do 1858,	416 49	
June 3, 1859.	do do do 1856,	25 13	
do	do do do 1857,	156 89	
do	do do do 1858,	425 53	
July 27, 1860.	do do E. S. Davis,	200 00	
Nov. 14, 1860.	By balance, - -	2,233 78	$4,618 20
Nov. 14, 1860.	To balance, - -	2,233 78	
	To Territorial tax of 1859 and 1860,	6,119 08	

ATCHISON COUNTY. DR.

	To Territorial tax, year 1855, - -	$230 00	230 00
CR.	By am't tax 1855, paid by Eli C. Mason,	205 40	
	By mileage and percentage allowed,	24 60	230 00
DR.	To Territorial tax, year 1856, 660 68		
	To Dram shop license, 31 66	692 34	692 34
CR.	By am't paid by Jas. Adkins, tax 1856,	293 53	
	do do do	111 00	
	do do do	11 28	
	do delinquent tax allowed by county board,	276 53	692 34
DR.	To Territorial tax, 1857, - -	920 95	
May 15, 1858.	To ferry license, - -	8 00	928 95
CR.	By amount ferry license paid, - -	8 00	
	By balance, - - - -	920 95	928 95
DR.	To balance, - - - -	920 95	
	To Territorial tax, 1858, - - -	4,590 56	5,511 51

Cr.	Nov. 15, 1859. By am't paid Holbert, tax '58,	1,705 48		
	Dec. 31, 1859. do do do	2,185 62		
	By balance, - - - -	1,620 61	5,511 71	
Dr.	To balance tax 1858, - - -	1,620 61		
	To Territorial tax, 1859 and 1860,	9,274 87		
			$10,895 08	

JEFFERSON COUNTY, **DR.**

1858.	To Territorial tax, year 1858,	$2,898 02	
	do do years 1859 and 1860,	3,571 33	
Nov. 8, 1860.	Total balance due Kansas Territory,		$6,469 35

JOHNSON COUNTY, **DR.**

Sept. 1856.	To Territorial poll tax, year 1856,	$192 00	
Cr.	By amount paid B. F. Johnson, (sheriff)	192 00	
Dr.	Nov. 26, 1857. To Territorial tax, year 1857,	144 55	
	April 5, 1858. To peddlers license, for 1857,	26 00	
	do do do	76 00	246 55
Cr.	1860. By error, county tax 1857,	57 05	
	By delinquent list allowed by county board,	62 50	
	Jan. 2. By am't paid P. Cosgrove to treas., tax 1857,	123 80	
	By mileage, (no commission allowed,)	3 20	246 55
Dr.	1858. To Territorial tax, year 1858,	2,732 39	2,732 39
Cr.	June 23, 1859. By am't p'd J. T. Barton, tax '58,	762 81	
	Nov. 15. do do do	162 00	
	January 2, 1860. do do do	189 00	
	Nov. 8. By balance, - -	1,618 58	2,732 39
	Nov. 8, 1860. To balance delinquent tax, '58,	1,618 58	
	do To Ter. tax, years '59 and '60.		

LYKINS COUNTY, **DR.**

1855.	To Territorial poll tax of 1855,	210 00	
1858.	To Territorial tax of 1858,	2,481 63	
Nov. 1860.	do do 1859 and 1860,	3,978 12	6,669 75
	Cr.		
Dec. 31, 1857.	By am't paid by B. P. Campbell, poll tax of 1855,	210 00	
July 15, 1859.	do do W. P. Dutton, tax 1858,	738 50	
Oct. 29, 1859.	do do do do	737 34	
Nov. 1860.	do balance, - - -	4,983 91	6,669 75
Nov. 1860.	To balance delinquent tax, 1,005 79	4,983 91	

FRANKLIN COUNTY. **DR.**

To Territorial tax of 1858, - - -		874 63	
do do do 1859 and '60, -		2,068 67	2,943 30
	Cr.		
Nov. 8, 1860.	By am't paid by T. J. Mewhinney, tax of 1858, - - -	655 88	
	By balance, - - -	2,287 42	2,943 30
Nov. 8, 1860.	To balance, - - -	2,287 42	

LINN COUNTY.

			DR.
	To Territorial poll tax of 1856, - -	136 50	
	do do tax of 1858, - -	149 50	
	do do do 1858, - -	687 11	973 11
CR.	1857. By am't paid by Jno. H. Tate, tax 1856,	143 61	
June 14,	1859. do do C. H. Stillwell, tax 1858,	489 65	
	By balance, - - -	339 85	793 11
	To balance, - - - -	339 85	
	To Territorial tax of 1859 and '60.		

BROWN COUNTY,

			DR.
	To Territorial tax for year 1856, - -	359 09	359 09
CR.	By error in assessment, - - -	294 18	
	By balance correct tax for 1856, -	64 91	359 09
	To balance, - - - -	64 91	
	" Territorial tax, year 1857, - - -	116 00	180 91
June 10,	1858. By am't paid by Fulton, tax 1856,	60 37	
	do do do do 1856–7,	12 62	
	do do (per centage allowed)	12 91	
	By balance, - - - -	95 01	180 91
	To balance, - - - -	95 01	
	To Territorial tax, 1858.		
	do do do 1859 and '60.		
CR.	June 29, 1859. By amount paid, tax 1858,	90 00	
	Nov. 15, 1859. do do do do	700 00	

BOURBON COUNTY,

			DR.
	To Territorial tax 1855, poll included,	309 33	309 33
CR.	Dec. 31, 1857. By am't p'd by B. F. Hill, tax 1855,	229 00	
	By balance, - - - -	80 33	309 33
	To balance, (tax 1855,) - - 80 33		
	" Territorial tax, 1857, - - 364 52		
		444 85	
Nov. 8,	1860. To Ter. tax, years 1859 and '60,	945 79	
	Total balance due Kansas Territory, exclusive of tax for year 1858, (not yet assessed,)		1,390 64

SHAWNEE COUNTY,

			DR.
	To Territorial poll tax, year 1856, -	44 50	
CR.	Nov. 1857. By am't paid by John Horner, poll tax 1856, - - - -	44 50	
DR.	To Territorial tax, year 1858, - -	1,321 57	
	do do do years 1859 and '60,	3,689 45	5,012 02
CR.	By amount paid by ——— ———, tax 1858,	782 62	
	To balance, - - - -	4,229 40	5,012 02
	To balance, - - - -	4,229 40	

Recapitulation.

Nov. 1860.	To balance on tax 1858,	539 95	
	To tax 1859 and 1860,	3,689 45	
	Total balance,		4,229 40

BRECKINRIDGE COUNTY, DR.

1859.	To Territorial tax for year 1858,	679 58	679 58
Cr.	July 14, 1859. By am't paid treasurer by H. W. Fick, tax of 1858,	468 39	
	By balance,	211 19	679 58
Dec. 31, 1859.	To balance due on tax of 1858,	211 19	211 19
Nov. 8, 1860.	By am't paid by H. W. Fick, tax '58,	26 80	
	By balance,	184 39	211 19
	To balance,	184 39	
	To Territorial tax, years 1859 and '60,	2,340 04	
	Total balance due Territ'y, including 1859 and '60,		2,524 43

NEMAHA COUNTY, DR.

1858.	To Territorial tax, year 1858,	427 13	427 13
Cr.	By amount paid by R. W. Torry, tax 1858,	361 23	
	By balance,	65 90	427 13
	To balance, (delinquent tax 1858,)	65 90	
Nov. 8, 1860.	To Territor'l tax, years 1859 and '60,	2,586 77	
do do	Total balance due Kansas Territory,		2,652 67

POTTAWATTAMIE COUNTY, DR.

	To Territorial tax for year 1858,		
	do do do years 1859 and '60,	980 21	
Cr.	Feb. 27, 1860. By amount paid treasurer by W. Cook, tax 1858,	177 90	

RILEY COUNTY, DR.

	To Territorial tax, year 1858.		
	do do do years 1859 and '60,	568 04	
Cr.	July 13, 1859. By amount paid by Amos Hunting, tax '58,	232 67	

ANDERSON COUNTY, DR.

Dec. 31, '58.	To Territorial tax, year '58,	680 32	
	do do do years '59 and '60,	2,043 86	
Nov. 8, '60.	Balance due Kansas Territory,	2,734 18	

JACKSON COUNTY.

			DR.
	To Territorial tax for year '56	181 75	181 75
CR.	Feb. 11, '58. By am't paid by W. Owen, tax '56,	20 49	
	By balance,	161 26	181 75
DR.	To balance delinquent tax of '55,	161 26	
'57.	To balance Territorial tax for year '57,	307 35	468 61
CR.	Dec. 11, '58. By am't paid by W. Owen, tax '57,	194 93	
	By balance,	273 68	468 61
DR.	To balance, (delinquent tax of '56 and '57,)	273 68	
	To Territorial tax for year '58,	1,100 90	1,374 58
CR.	July 15, '59. By am't paid by Albert Fuller, tax '58,	702 62	
	By balance,	671 96	1,374 58
	To balance,	671 96	

Recapitulation.

DR.	To balance, (delinquent on tax of '56,)	161 26	
	do do do do '57,	112 42	
	do do do do '58,	398 28	
			671 96
Nov. '60.	To Territorial tax for years '59 and '60,		2,638 97
	Total balance,		$3,310 93

PROCEEDINGS OF THE TERRITORIAL BOARD OF EQUALIZATION FOR THE YEAR 1860.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Monday, Aug. 13th, 1860.

A meeting of the Territorial Board of Equalization was held this day, and

WHEREAS, By Section 72, of an act to provide for an assessment and collection of taxes, approved February 27th, 1860, this Board is required to meet on the second Monday of August annually; and

WHEREAS, Under Section 26, of same Act, the County Clerks of the several counties are not required to forward to the Auditor (a member of this Board) an abstract of the corrected assessment returns of their respective counties until the first day of September;

WHEREAS, By reason of this inconsistency of the law there is now no business before this Board. Therefore,

Resolved, That we do now adjourn until the 10th day of September next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
September 10th, 1860.

Territorial Board of Equalization met pursuant to adjournment. An inconsiderable portion of county assessment abstracts having been received by the Auditor, it was

Resolved, That this Board adjourn to meet on Monday, the 8th day of October next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
October 8th, 1860.

Territorial Board of Equalization met pursuant to adjournment. There being yet no business before the Board, it was

Resolved, That this Board adjourn to meet on Friday, the 2d day of November next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Friday, November 2d, 1860.

Territorial Board of Equalization met pursuant to adjournment. The assessment abstract of twenty-two counties being laid before the Board by the Auditor, the Board deemed it their duty to proceed to equalize the value of real estate therein, without waiting longer for assessment returns from the delinquent counties; whereupon the following action was had:

Leavenworth county—On examination of the assessment abstract reported from Leavenworth county, the valuation of land per acre was $9.45, which was considered equitable and just—the total value of all taxable property being $5,250,890. In accordance with an Act entitled "An Act to provide revenue for the years 1859 and 1860," the tax of three mills on the dollar is hereby levied. The Territorial tax to be raised in said county is $15,752.67.

Douglas county—Land reported by County Clerk to be valued at $5.67 per acre, which the Board deem too low, and raise the average value per acre to $6.67. Aggregate valuation of real estate as increased, $1,416,346. Total valuation of real and personal property, $2,489,546.66. Amount of Territorial tax to be raised in said county $7,466.63.

Doniphan county—Average value of land reported by County Clerk to be $17.49 per acre, which, being considered equitable and just, no alteration is made. Total valuation of real and personal property, $2,039,696.14. Amount of Territorial tax collected in said county, $6,119.08

Lykins county—Average value of land reported by County Clerk to be $3.74 per acre; considered too low and increased to $4 per acre. Aggregate value of real estate as increased, $1,006,160. Total valuation of real and personal property, $1,326,043.30. Amount of territorial tax to be collected in said county, $3,979.12.

Jefferson county—Average value of land reported by County Clerk to be $2.92; considered too low and increased to $4 per acre. Aggregate valuation of real estate as increased, $972,848. Total value of real and personal property, $1,190,444. Amount of Territorial tax to be collected in said county, $3,571.33.

Wyandott county—Average value of land reported by County Clerk to be nine dollars and ten cents; considered too high and reduced to nine dollars. Aggregate value as diminished, three hundred and thirteen thousand nine hundred and forty-seven dollars. Total value of real and personal property, eight hundred and twenty-one thousand three hundred and seventy-seven dollars and forty-six cents. Territorial tax to be collected in said county, two thousand four hundred and sixty-five dollars and thirteen cents.

Bourbon county—No land reported by County Clerk. Value of personal property three hundred and fifteen thousand two hundred and sixty-four dollars. Amount of Territorial tax to be collected in said county, nine hundred and sixty-five dollars and seventy-nine cents.

Jackson county—Average value of land reported by County Clerk to be two dollars and twenty-six cents per acre; considered too low and increased to three dollars per acre. Aggregate value as increased, seven hundred and twelve thousand nine hundred and forty-four dollars. Total value of real estate and personal property, eight hundred thousand one hundred and thirty-six dollars and fifty-six cents. Amount of Territorial tax to be collected in said county is two thousand four hundred dollars and forty cents.

Breckinridge county—Average value of land reported by County Clerk was two dollars and ninety-seven cents per acre, which is considered equitable and just. Total value of real and personal property seven hundred and eighty thousand and fourteen dollars. Amount of Territorial tax to be collected in said county, two thousand three hundred and forty dollars and four cents.

Coffey county—Average value of land reported by County Clerk was one dollar and forty-six cents per acre; considered too low and increased to three dollars per acre. Aggregate value of real estate as increased, six hundred and seventy-six thousand five hundred and fifty-one dollars. Total valuation of real and personal property, eight hundred and seventy-nine thousand six hundred and fifty-eight dollars. Amount of Territorial tax to be collected in said county is two thousand six hundred and thirty-eight dollars and ninety seven cents.

Anderson county—Average value of land reported by the County Clerk was two dollars and fifty-nine cents per acre; considered too low and increased to two dollars and seventy-five cents per acre. Aggregate value of real estate as increased, five hundred and fifty-three thousand six hundred and fifty-eight dollars. Total value of real and personal property, six hundred and eighty-four thousand six hundred and twenty-two dollars and fifty-six cents. Amount of Territorial tax to be collected in said county, two thousand and fifty-three dollars and eighty-six cents.

Madison county—Average value of land reported by County Clerk was two dollars and ninety cents per acre; considered too high and reduced to two dollars and sixty cents per acre. Aggregate value of real estate as reduced, two hundred and ten thousand two hundred and twelve dollars and sixty cents. Total value of real and personal property, two hundred and thirty-three thousand eight hundred and ninety-four dollars and sixty-three cents. Amount of Territorial tax to be collected in said county, seven hundred and one dollars and sixty-eight cents.

Osage county—Average value of land reported by County Clerk was two dollars and sixty-eight cents per acre; considered too low and increased to three dollars per acre. Aggregate value of real estate, as increased, four hundred and sixty-eight thousand five hundred and forty dollars. Total value of real and personal property, five hundred and twenty-three thousand five hundred and fifty-two dollars. Amount of Territorial tax to be collected in said county, one thousand five hundred and seventy dollars and sixty-five cents.

Wabaunsee county—Average value of land reported by County Clerk was two dollars and forty-one cents per acre; considered equitable—no alteration was made. Aggregate value of real estate two hundred and twenty-four thousand seven hundred and eighty-six dollars. Total value of real and personal property two hundred and seventy-nine thousand three hundred and sixty-two dollars. Amount of Territorial tax to be collected in said county, eight hundred and thirty-eight dollars eight cents.

Pottawattamie county—Average value of land reported by County Clerk was two dollars and twenty-two cents per acre; considered too low and increased to two dollars and sixty cents per acre. Aggregate value as increased, of real estate, two hundred and fourteen thousand six hundred and eighty-two dollars. Total value of real and personal property, three hundred and twenty-six thousand seven hundred and thirty-nine dollars. Amount of Territorial tax to be collected in said county, nine hundred and eighty dollars and twenty-one cents.

Riley county—Average value of land reported by County Clerk was two dollars and sixty-two cents; no change considered necessary. Total value of real and personal property, one hundred and eighty-nine thousand three hundred and forty-eight dollars. Amount of Territorial tax to be raised in said county, five hundred and sixty-eight dollars.

Marshall county—Average value of land reported by County Clerk, was five dollars and fifty-three cents per acre; considered too high and reduced to three dollars per acre. Aggregate value of real estate, as reduced, one hundred and seventy-seven thousand nine hundred and sixty-six dollars. Total value of real and personal property, three hundred and fifty-one thousand eight hundred and thirty-four dollars. Amount of Territorial tax to be collected, one thousand fifty-five dollars and fifty cents.

Allen county—No taxable land reported by County Clerk. Personal property one hundred and eighty-two thousand five hundred and ninety-four dollars. Amount of Territorial tax to be collected in said county, five hundred forty-seven dollars and seventy-eight cents.

Franklin county—Average value of land reported by County Clerk at two dollars and fifty-four cents per acre; increased to three dollars per acre. Aggregate value of real estate as increased, five hundred and fifty-four thousand eight hundred and eighty dollars. Total value of real and personal property, six hundred and eighty-nine thousand five hundred and twenty-five dollars. Amount of Territorial tax to be collected in said county, two thousand and sixty-eight dollars and fifty-seven cents.

Chase county—Average value of land reported by County Clerk at three dollars and eighty-six cents; considered too high and reduced to two dollars and forty-five cents. Aggregate value of real estate as reduced, eighty-three thousand two hundred and forty-one dollars and twenty cents. Total value of real and personal property, one hundred and twenty-eight thousand one hundred and seventy-two dollars and seventy cents. Amount of Territorial tax to be collected in said county, three hundred and eighty-four dollars and fifty-one cents.

Morris county—Average value of land reported by County Clerk at two dollars and forty-five cents; no alteration considered necessary. Total value of real and personal property, eighty-six thousand three hundred and seventy-nine dollars. Amount of Territorial tax to be collected in said county, two hundred and fifty-nine dollars and thirteen cents.

Woodson county—No taxable real estate reported by County Clerk. Value of personal property one hundred and seven thousand four hundred and forty-three dollars. Amount of Territorial tax to be collected in said county, three hundred and twenty-two dollars and thirty-two cents.

A number of counties not having transmitted to the Auditor abstracts of the assessment rolls of such counties; therefore

Resolved, That this Board now adjourn until notified by the Auditor of the receipt of other assessment returns from the delinquent counties.

AUDITOR'S OFFICE, LECOMPTON, K. T.
November, 8th 1860.

Board being called to equalize the assessment roll of Nemaha County.—Average value of land reported by County Clerk, at $1.58 per acre, was considered too low, and increased to $2.75 per acre. Aggregate value of real estate as increased $939,918.00. Total value of real and personal property $973,917.00. Amount of Territorial tax to be raised in said County $2,841.75.

AUDITOR'S OFFICE, LECOMPTON, K. T.
November 15th, 1860.

Territorial Board of Equalization was called together by the Auditor, who laid before the Board the abstract of the assessment roll of Shawnee for the year 1860, which had just been received. Shawnee County—Average value of land reported by County Clerk at $4.95; considered too high and equalized it at $4 per acre. Aggregate value of real estate as diminished $629,312.00. Total value of real and personal property $1,229,817. Amount of Territorial tax to be collected in said county $3,689.45. The Board adjourned to meet again, subject to the Auditor's call.

AUDITOR'S OFFICE, LECOMPTON, K. T.
November 19th, 1860.

At the instance of the Auditor, the Territorial Board of Equalization met to equalize the abstracts of the assessment rolls of several counties, which had just been received.

Dickinson County—Average value of land per acre reported by County Clerk at $1.72 per acre, considered too low; was increased to $2.50 per acre. Aggregate value as increased of real estate $62,700.00. Total value of real and personal property $84,659.00. Amount of Territorial tax to be collected in said county $253.97.

Clay County—Average value of land reported by County Clerk at $2,83, considered too high and reduced to $2.50 per acre. Aggregate value of real estate as diminished $7,600.00. Total value of real and personal property $13,290.00. Amount of Territorial tax to be collected in said county $39.87.

Davis County—Average value of land reported by County Clerk at $2.08 per acre, considered too low, and raised to $2.75 per acre. Aggregate value as increased $157,311.00. Total value of real and personal property $260,790.00. Amount of Territorial tax to be collected in said county $782.37.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
November 37th, 1860.

Board called together by the Auditor, who laid before them the abstract of assessment of Atchison County—Average value of land reported by County Clerk at $21 per acre. The Board deemed it too high and reduced it to $8 per acre. Aggregate value of real estate as reduced $2,033,832.00. Total value of real and personal property $3,091,625.00. Amount of Territorial tax to be collected in said county, for the years 1859 and 1860, $9,274.87.

The Board adjourned until further notice from the Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 15th, 1860.

Board met pursuant to adjournment, to equalize the assessment returns for Linn and Johnson Counties.

Linn County—Average value of land reported by County Clerk at $3.28. Total valuation of taxable property $696,924.30. Amount of Territorial tax to be collected in said county, for 1859 and 1860, $2,090.77.

Johnson County—Average value of land reported by County Clerk at $3.31 1-2. Aggregate value of real estate $810,213. Total valuation of real and personal property $1,146,515 Amount of Territorial tax to be collected in said county, for 1859 and 1860, $3,439.54.

The Board deemed the valuation of the land, per acre, too low, but owing to the lateness of the returns from this county and the fact of the Territorial tax being already apportioned on this valuation, and part collected, deemed it unwise to make any change.

[Signed.] H. J. STRICKLER, Auditor.
ROB'T B. MITCHELL, Treasurer.
G. M. BEEBE, Secretary.

Recapitulation.

NAMES of COUNTIES.	Total number of acres of land.	Aver. value of land as rep. by co. clerk's p. acre.	Ag. val. of land per acre as fixed by Terr. Board.	Total value of real estate as reported by Co. Clerk. $	Aggregate value of real estate, as increased by Terr. Board. $	Total value of real and personal property $	Number of Town Lots.	Total value of Town Lots. $	Amount of Terr. Tax to be collected in each Co. $
Leavenworth,	139,971	9 45	9 45	1,320,474 00	1,320,474 00	15,250,800 00	10,002	2,735,769 00	15,752 67
Douglas,	212,367	6 67	6 67	1,203,979 46	1,416,346 00	2,277,170 66	13,978	578,690 50	7,408 63
Doniphan,	210,790½	7 49	7 49	1,647,711 20	1,647,711 20	2,039,696 14	6,852	146,302 00	6,119 08
Lykins,	251,540	3 74	4 00	942,478 91	1,006,160 00	1,326,043 30	4,164	111,959 00	3,978 12
Jefferson,	243,262	2 93	4 00	707,407 00	972,848 00	1,190,444 00	1,984	45,457 00	3,571 33
Wyandott,	31,883¾	9 10	9 00	310,092 66	313,947 00	821,377 46	12,168	325,127 00	2,465 13
Bourbon,						315,264 00			945 79
Jackson,	237,648⅞	2 26	3 00	538,265 23	712,944 00	800,136 56	1,084	6,400 00	2,400 40
Breckinridge,	190,488	2 97	2 97	566,276 00	566,276 00	780,014 00	6,636	56,262 00	2,340 04
Coffey,	225,517	1 54	3 00	413,066 00	676,551 00	879,658 00	6,355	60,110 00	2,638 97
Anderson,	201,694½	2 59	2 75	552,985 92	553,658 00	684,622 56	1,175½	19,618 00	2,053 86
Madison,	80,851	2 90	2 60	234,917 00	210,912 60	233,894 63			701 68
Osage,	156,180	2 68	3 00	418,810 00	468,540 00	523,552 00			1,570 65
Wabaunsee,	97,082	2 41	2 41	224,786 00	224,786 00	279,362 00	2,153	13,631 00	838 08
Pottawattamie,	82,570	2 93	2 60	183,694 00	214,682 00	326,730 00			960 21
Riley,	41,476	2 62	2 62	108,730 00	108,730 00	189,348 00		9,428 00	568 04
Marshal,	59,322	5 53	3 00	398,525 60	177,966 00	351,804 00	2,230½	31,171 00	1,055 50
Allen,						182,594 00			547 78
Franklin,	184,960	2 54	3 00	470,801 00	554,880 00	689,525 00	7,705	16,112 00	2,068 57
Chase,	33,976	3 86	2 45	131,147 00	83,241 20	128,172 70	1,291	1,794 50	384 51
Morris,	12,794	2 45	2 45	31,495 00	31,495 00	86,379 00			259 13
Nemaha,	313,306	1 53	2 75	495,732 00	861,501 50	895,500 50	783	7,917 00	2,686 77
Shawnee,	157,328	4 95	4 00	780,219 00	620,312 00	1,200,817 00	5,201	291,130 00	3,689 45
Atchison,	254,229	21 00	8 00	1,185,601 00	2,033,832 00	3,091,625 00	15,816	817,544 75	9,274 87
Clay,	3,040	2 83	2 50	8,575 00	7,600 00	13,200 00			39 87
Davis,	57,204	2 08	2 75	118,984 02	157,311 00	260,700 00	890	36,633 00	782 37
Dickinson,	25,116	1 72	2 50	43,335 00	62,700 00	84,659 00			254 00
Woodson,						107,443 00			322 32
Linn,	117,870	3 28	3 28	386,813 00	386,813 00	696,924 31	781	13,464 00	2,090 77
Johnson,	244,473	3 31½	3 31	810,213 00	810,213 00	1,146,515 00	8,074	117,120 00	3,439 54
Total	3,878,939½	4 28	4 28½	14,253,103 40	16,308,710 50	27,063,686 52	135,328	5,641,128 75*	81,188 13

* Value per lot, $41 68

MONDAY, January 14, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Roll called.

Present, Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Absent, Mr. Elder.

Journal of yesterday read and approved.

Mr. Benton arose to a personal explanation relative to statements made by a member of the lower House, from Atchison county, which Mr. Benton denounced as false and libellous.

Mr. Mathias, Chairman of Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Council Bill No. 4, "An Act to incorporate the Springdale Town Company," have had the same under consideration, and report the same back without amendment, and recommend its passage.

WM. G. MATHIAS, Chairman,
CHESTER THOMAS.

Mr. Palmer, from Committee on Ways and Means, submitted the following report:

MR. PRESIDENT:—The Committee on Ways and Means, to whom was referred Council Bill No. 7, entitled "An Act to legalize the assessment of taxes in Pottawattamie county," have had the same under consideration, and beg leave to report the same back to the Council, without amendment, and recommend its passage.

L. R. PALMER.
J. B. WOODWARD.
C. G. KEELER.

Mr. Palmer, on leave, introduced Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of Justice of Pottawattamie county," which was

Read first and second time and

Referred to Committee on Counties.

Mr. Benton offered the following resolution:

Resolved, That the President of the Council appoint a special Committee of three on Divorces, to whom shall be referred all memorials and applications for divorces, unless otherwise directed.

Mr. Stewart offered the following substitute:

WHEREAS, The best interest and stability of society, as well as Holy Writ, require that the obligations assumed by husband and wife, in entering into the marriage relation, should not be lightly esteemed, or, for slight causes, easily thrown off; and,

WHEREAS, The facilities afforded by Legislative bodies for obtaining divorces in this Territory, tend to weaken the most sacred ties that bind society together, encourages inconstancy and licentiousness in our own borders, and holds out inducements to citizens of the States to apply to us for the relief they fail to obtain in the State of their residence, thereby consuming the time of the Legislature, that should be used in the transaction of such business as the general interest of the Territory demand; therefore,

Resolved, That the Council will not, after the 15th day of the present month, receive any application for relief, by way of divorce, without the unanimous consent of the members of the Council present.

The question being on the adoption of the substitute, the yeas and nays were demanded, the vote resulting as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Price, Thomas, Woodward, Mr. President—9.

Nays, Messrs. Elder, Hendry, Palmer, Stewart—4.

And so the substitute was lost.

Mr. Benton moved to amend by striking out the word "Special," and inserting the word "Standing."

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—10.

Nays—Messrs. Elder, Hendry, Palmer—3.

And so the amendment was adopted.

The question recurring on the adoption of the resolution as amended,

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias Price, Woodward—7.

Nays—Messrs. Elder, Hendry, Palmer, Stewart, Thomas, Mr. President—6.

And so the resolution prevailed.

The Chair appointed Messrs. Keeler, Thomas and Price as said Committee.

Mr. Elder offered the following protest, which was ordered to be spread upon the journal:

The undersigned members of the Council ask leave to have this, their protest against the vote just taken, raising a Standing Committee on Divorces, spread on the Journal.

P. P. ELDER.
JAMES M. HENDRY.
WATSON STEWART.

Mr. Updegraff (Mr. Thomas in the chair) offered the following resolution:

Resolved, That no Bill granting divorce shall be entertained by this Council, unless the applicant shall have been a resident of this Territory, for at least one year, preceding such application, and been married at least two years.

Mr. Elder offered the following amendment: Strike out "shall

have been," and read "shall be," and insert "both" before applicants.

Lost.

Mr. Hendry offered the following amendment:

"And that no evidence shall be received by said Committee, which would not be admissable in a court of law."

Mr. Benton moved to lay the amendment on the table, and

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—10.

Nays, Messrs. Elder, Hendry, Stewart—3.

And so the motion prevailed.

The resolution of Mr. Updegraff, as amended, was then adopted.

Mr. Updegraff offered Council Joint Resolution No. 2, which

On motion of Mr. Mathias, was laid on the table and ordered to be printed.

Mr. Price moved to expunge the latter part of the protest of Mr. Elder and others, from the journals of the Council.

On motion of Mr. Mathias,

The Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the chair.

Mr. Price's motion, to expunge the protest of Mr. Elder and others from the journal, being in order, the Secretary was directed to expunge the latter part of the protest, as reflecting upon the character of the Council.

On motion of Mr. Stewart,

Council Joint Resolution No. 1, memorializing Congress for the survey and sale of certain lands, was taken up and

Read second time, and

On motion of Mr. Stewart, was

Ordered to be engrossed and

Read a third time to-morrow.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the City of Sumner,'" was

Read a second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 13, "An Act divorcing Harriet L. Parker and Howard E. Parker," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 14, "An Act amendatory of the laws respecting Guardians and Wards," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 15, "An Act to divorce William West and Mary Ann West," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 16, "A Bill divorcing Ellen Jane Moore," was

Read second time, and

Referred to Committtee on Divorces.

On motion of Mr. Mathias,

The Council went into an election for messenger.

On the fourth ballot, Franklin R. Davis, having received a majority of all the votes cast, was declared duly elected messenger.

Mr. Elder offered the following resolution, which was adopted:

Resolved, By the Council, (the House concurring therein,) That there be a joint committee of two on the part of the Council, and three on the part of the House, whose duty it shall be to revise the Election and School laws of this Territory, with a view to harmonize them with the county and township organizations.

Committee on part of Council, Messrs. Elder and Mathias.

Mr. Thomas introduced Council Bill No. 18, entitled "An Act establishing the boundary line between Shawnee and Osage counties."

Read first time.

Mr. Keeler, from the Committee on Militia, submitted the following report:

The Committee on Militia, to whom was referred Council Bill No. 11, entitled "An Act to Enroll, Organize and Equip the Militia of the Territory of Kansas," have had the same under consideration, and beg leave to report the bill back with the following amendments, and recommend its passage:

In section two, line eight, strike out all after the words "Sergeant-General," and insert, "to be appointed by the Governor, and confirmed by the Council, and commissioned by the Governor."

Section three, line five, strike out all after "Major," and insert, "to be appointed by the Commander-in-Chief, the Major and Brigadier General and Commissioned by the Governor."

C. G. KEELER.
CHESTER THOMAS.
N. PRICE.

On motion of Mr. Thomas,

The report was agreed to, and

The Bill ordered to be printed.

Mr. Woodward introduced Council Bill No. 19, entitled "An Act changing the western boundary of Chase county," which was

Read first time.

Also, Council Bill No. 20, entitled "An Act changing the Eastern boundary of Morris county," which was

Read first time.

Mr. Mathias offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to request the Acting Governor of the Territory to furnish twelve sheets of document paper to each member of the Council, and six sheets to each officer. Also, three dozen paper files for the use of the Council.

Mr. Stewart offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to procure, for each member of the Council, a copy of Mitchell and Gunn's Sectional Map of the Territory of Kansas.

Mr. Mathias gave notice that he would, on to-morrow, move to suspend Council Rule No. 40.

On motion of Mr. Mathias,

The Council adjourned until to-morrow at 10 A. M.

JOHN J. INGALLS,
Secretary.

TUESDAY, January 15, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present, Messrs. Benton, Elder, Hendry, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Mr. President—10.

Absent, Messrs. Christison, Woodward—2.

Journal of yesterday read and approved.

Mr. Elder, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:—The Committee on Judiciary, to whom was referred Council Bill No. 5, entitled "An Act to divorce Mary Hough and Henry C. Hough," have had the same under consideration, and report the same back, without amendment, and recommend its passage.

P. P. ELDER.
WM. G. MATHIAS.

Agreed to.

Mr. Elder, from Committee on Judiciary, made the following report:

MR. PRESIDENT:—The Committee on Judiciary, to whom was referred Council Bill No. 14, entitled "An Act amendatory to the laws respecting Guardians and Wards," have had the same under consideration, and report the same back, with the following amendments:

Strike out the title, and insert instead thereof, "An Act respecting Administrators, Guardians and Wards." In section first, second line, after "ward," insert, "or the administrator of any deceased person;" and, after the word "guardian," in eighth line, insert, "or administrator." In section second, seventh line, after "guardian," insert, "or administrator." Section

third, fourth line, after "guardian," insert, "or administrator," and, as amended, recommend its passage.

P. P. ELDER, Chairman.
JAMES M. HENDRY.
WM. G. MATHIAS.

Agreed to.

Mr. Elder, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The Committee on Judiciary, to whom was referred Council Bill No. 2, entitled "An Act to repeal an Act entitled 'An Act for the benefit of Livery Stable Keepers,'" have had the same under consideration, and report the same back, without amendment, and recommend its passage.

P. P. ELDER, Chairman.
JAMES M. HENDRY.
WM. G. MATHIAS.

Agreed to.

Mr. Elder, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The Committee on Judiciary, to whom was referred Council Bill No. 9, "An Act divorcing Ruducia F. Stevens and A. L. Stevens," have had the same under consideration, but having no proof before them, report the same back and recommend its reference to the Committee on Divorces.

P. P. ELDER, Chairman.
WM. G. MATHIAS.

Agreed to.

Mr. Hendry, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties, County Lines and County Seats, having had under consideratin Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," beg leave to report it back without amendment, and recommend its passage.

J. M. HENDRY.
CHESTER THOMAS.
CHAS. G. KEELER.

Agreed to.

Mr. Woodward, on leave, introduced Council Bill No. 21, entitled "An Act to repeal an Act entitled, 'An Act to create the

office of justice of the peace in the city of Junction,' and to provide for the election of justice,"

Read first time.

Council Joint Resolution No. 1, memorializing Congress relative to the Cherokee Neutral and Osage Indian lands, was

Read third time.

On motion of Mr. Mathias,

A call of the House was ordered.

The Sergeant-at-Arms, having been sent for Absentees,

On motion of Mr. Mathias,

Further proceedings under the call were dispensed with.

The question being on the passage of Joint Resolution No. 1, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward and Mr. President—13.

Nays—none.

And so the Joint Resolution was adopted

The title was agreed to.

Council Joint Resolution No. 2, declaratory of the views of Governor and Legislature upon the national controversy, was

Read second time, and

On motion of Mr. Hendry,

Laid on the table and made the special order for three o'clock P. M.

Council Bill No. 18, "An Act establishing the boundary line between Shawnee and Osage counties," was

Read second time.

Mr. Mathias moved that the rules be suspended and the Bill read the third time at once.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Christison, Mathias, Palmer, Price, Stewart, Thomas—6.

Nays—Messrs. Benton, Elder, Hendry, Keeler, Lambdin—5.

And so the Bill was read the third time.

Message from the House:

MR. PRESIDENT:—I am directed to notify your honorable body, that the House have concurred in the resolution of the Council, approving of the conduct of Maj. Anderson, at Charleston, South Carolina, without amendment.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

The Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

TWO O'CLOCK P. M.

Council convened.

President in the Chair.

Quorum present.

On motion of Mr. Keeler,

A call os the House was ordered.

The Sergeant-at-Arms having been sent for Absentees,

On motion of Mr. Palmer,

Further proceedings under the call were dispensed with.

The question being "Shall Council Bill No. 18 pass?" and the yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Mathias, Palmer, Price, Thomas, Mr. President—7.

Nays—Messrs. Hendry, Keeler, Lambdin—3.

And so the Bill passed.

The title was agreed to.

Council Joint Resolution No. 2 being the special order for this hour,

On motion of Mr. Mathias,

It was postponed until to-morrow, at 11 o'clock, A. M.

On motion of Mr. Palmer,

The vote by which the resolution of Mr. Updegraff, in relation to divorces, was passed, was reconsidered, and

On motion of Mr. Palmer,

The resolution was indefinitely postponed.

Council Bill No. 19, entitled "An Act changing the western boundary of Chase county," was

Read sccond time and

Referred to Committee on Counties and County Lines.

Council Bill No 20, "An Act changing the eastern boundary of Morris county," was

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 4, "An Act to incorporate the Spring Dale Town Company,"

On motion of Mr. Palmer, was

Ordered to a third reading.

On motion of Mr. Thomas,

The Council went into a Committee of the Whole, for the consideration of Council Bill No. 11, entitled "An Act to organize, enroll and equip the militia of Kansas Territory."

Mr. Benton in the chair.

After some time spent thereon, the Committee arose, reported progress, and asked leave to sit again.

The report was agreed to.

Council Bill No. 5, entitled "An Act to divorce Henry C. Hough and Mary Hough," was

Ordered to a third reading.

Council Bill No. 2, entitled "An Act to repeal an Act for the benefit of Livery Stable Keepers," was

Ordered to a third reading.

Council Bill No. 17, "An Act entitled 'An Act to provide for the permanent location of the seat of Justice of Pottawattamie county,'" was

Ordered to a third reading.

Mr. Hendry offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to call on the Secretary of the Territory, and procure five chairs for the use of the Council.

On motion of Mr. Palmer,

The Council adjourned until 10 o'clock to-morrow morning.

JOHN J. INGALLS,
Secretary.

WEDNESDAY, January 16, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present, Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward and Mr. President.

Journal of yesterday read and approved.

Mr. Keeler, from Committee on Divorces, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 15, "An Act to divorce William West and Mary Ann, his wife," have examined numerous petitions from the city of Philadelphia, and they all state, under oath, they have known the parties for the last ten years, and that the case is a meritorious one. Your Committee beg leave to report the Bill back to the Council, and recommend its passage.

CHAS. G. KEELER.
N. PRICE.
CHESTER THOMAS.

MR. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 16, "An Act divorcing Ellen Jane Moore," beg leave to report the same back to the Council, and recommend its passage.

CHAS. G. KEELER.
N. PRICE.
CHESTER THOMAS.

MR. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 12, "An Act divorcing Rudicia F. Stevens," beg leave to report the same back to the Council, and recommend its passage.

CHAS. G. KEELER.
N. PRICE.
CHESTER THOMAS.

Reference—HON. MR. WOODWARD.

Mr. Hendry, from Committee on Counties and County Lines, submitted the following report:

Your Committee on Counties, County Lines and County Seats, to whom was referred Council Bill No. 12, having had the same under consideration, ask leave to report it back, without amendment, and recommend its passage.

J. M. HENDRY.
C. G. KEELER.
CHESTER THOMAS.

Mr. Mathias introduced Council Bill No. 22, entitled "An Act to amend an Act to establish a Code of Civil Procedure," approved February 25th, 1860, which was

Read first time.

Mr. Benton introduced Council Bill No. 23, entitled "An Act to divorce James P. Whitney and Harriet L. Whitney," which was

Read first time.

Mr. Mathias introduced Council Bill No. 24, entitled "An Act to amend an Act entitled 'An Act to create a lien in favor of Mechanics and others,'" which was

Read first time.

Mr. Thomas introduced Council Bill No. 25, entitled "An Act divorcing Henry Smith and Harriet Smith," which was

Read first time.

Mr. Woodward introduced Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," which was

Read first time.

Council Bill No. 2, "An Act to repeal an Act entitled 'An Act for the benefit of Livery Stable Keepers,'" was

Read third time.

The question being, "Shall the Bill pass pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 5, "An Act to divorce Mary Hough and Henry C. Hough," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias, Thomas, Woodward, Mr. President—8.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

Council Bill No. 17, "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 4, "An Act to incorporate the Springdale Town Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 7, "An Act to legalize the assessment of Taxes in Pottawattamie county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the city of Junction, and to provide for the election of Justice,'" was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 9, "An Act divorcing Ruducia F. Stevens and A. L. Stephens,"

On motion of Mr. Woodward, was

Considered engrossed, and ordered to a third reading.

Council Bill No. 14, "An Act amendatory of the laws respecting Guardians and Wards," was

Ordered to be engrossed, and

Read a third time.

Mr. Price, from Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills desire to submit the following report:

That they have examined the engrossed copy of the Act entitled "An Act to Enroll, Organize, Equip and Arm the militia of the Territory of Kansas," and find it correctly engrossed.

Also, the Act entitled "An Act respecting Administrators, Guardians and Wards," and find it correctly engrossed.

Also, the Bill entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," and find it correctly engrossed.

N. PRICE.
WM. G. MATHIAS.
WATSON STEWART.

The special order for the hour being the consideration of Council Joint Resolution No. 2, "Declaratory of the views of the Governor and Legislature, upon the National Controversy,"

On motion of Mr. Mathias,

The resolution was amended by striking out the word "subjects" and inserting "members" in its stead.

On motion of Mr. Elder,

The resolutions were considered in their order.

On motion of Mr. Stewart,

The words "and members of" were striken out and the word "having" inserted.

Mr. Mathias moved to amend by striking out all after "the," in the second line, and substituting "hostile attitude assumed by the people of the several States toward each other."

Lost.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your Honorable

body that the House of Representatives have concurred in resolution of the Council, to appoint a Committee to confer with the Board of County Commissioners of Douglas county in relation to an invitation of said Commissioners, to visit the Jail of Douglas county, without amendment, and have appointed Messrs. Deitzler and Thoman Committee on part of the House;

Also, have concurred in resolution of Council, to appoint a Joint Committee to revise the Election and School Laws, without amendment, and appointed Messrs. Winchell, Williams and Miller as Committee on part of the House;

Also, that the House has passed House Bill No. 13, entitled "An Act relating to the construction of statutes;"

Also, House Bill No. 3, entitled "An Act to repeal certain laws therein named," and ask your concurrence therein.

ALFRED GRAY,
Chief Clerk.

The first resolution, as amended, was adopted.

On motion of Mr. Elder,

The Joint Resolutions were made the special order for to-morrow morning at ten o'clock A. M.

On motion of Mr. Elder,

Council Bill No. 11, entitled "An Act to organize, enroll and equip the Militia of Kansas Territory," was

Made the special order for this afternoon at two o'clock.

Mr. Updegraff, from Joint Committee on Rules, submitted a code of laws for the government of the two Houses.

On motion of Mr. Mathias,

The Council adjourned until two o'clock, P. M.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the chair.

Quorum present.

On motion of Mr. Mathias,

The code of rules, as reported by the Committee, were adopted.

On motion of Mr. Stewart,

The Sergeant-at-Arms was instructed to procure the printing of three copies of the Joint Rules for each member and officer of the Council.

Mr. Woodward introduced the following resolution, which was adopted:

Resolved, That J. R. Lambdin is hereby authorized to perform the duties of Journal Clerk of the Council, and G. E. Bates the duties of Engrossing Clerk.

Council Bill No. 11, entitled "An Act to Organize, Enroll and Equip the Militia of Kansas Territory," being the special order for this hour,

On motion of Mr. Elder,

The Council went into Committee of the Whole for the consideration of the Bill.

After sometime spent therein, the Committee arose, and reported the Bill back with sundry amendments, and recommended its reference to a select Committee, consisting of

Messrs. Elder, Updegraff, Keeler, Thomas and Benton.

The report was agreed to.

Mr. Hendry introduced Council Bill No. 27, entitled "An Act relating to Divorces," which was

Read first time.

Mr. Stewart, from Committee on Agriculture, submitted the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Council Bill No. 1, entitled "An Act additional to

an Act entitled 'An Act to provide for the taking up and posting of strays,'" report, that having had the same under consideration, we recommend its passage with the following amendments: Section first, last line, after word "sale" insert "of real estate." Section 23, first and second lines, strike out the words "and bond." Fifteenth line, strike out the word "custody" and insert the word "possession."

WATSON STEWART.
J. C. LAMBDIN.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the city of Sumner,'" was

On motion of Mr. Mathias,

Ordered to a third reading.

Mr. Mathias moved that Council Bill No. 15, entitled "An Act divorcing Wm. West and Mary Ann West," be ordered to a third reading.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Keeler, Lambdin, Mathias, Thomas, Woodward, Mr. President—7.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the motion prevailed.

Mr. Keeler moved that Council Bill No. 16, entitled "An Act divorcing Ellen Jane Moore," be ordered to a third reading.

Mr. Hendry moved to lay the Bill on the table.

The President decided the motion out of order.

Mr. Hendry appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the House?"

The Chair was sustained.

Mr. Palmer moved to lay the motion of Mr. Keeler, on the table.

Lost.

The Bill was then ordered to a third reading.

On motion of Mr. Elder,

It was ordered that the Council assemble at the hours of 10 A. M. and 2 P. M., until otherwise ordered.

Adjourned.

JOHN J. INGALLS,
Secretary.

THURSDAY, Jan. 17, 1861,
TEN O'CLOCK, A. M.

Council convened.

President in the chair.

Prayer by Chaplain.

Roll called.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Absent—Mr. Mathias.

Journal of yesterday, read and approved.

The special order for the hour being the consideration of Council Joint Resolution No. 2, declaratory of the views of the Governor and Legislature upon the national controversy,

On motion of Mr. Price,

It was postponed until to-morrow morning at 10 o'clock.

Mr. Price, from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Council Bill No. 1, "entitled "An Act additional to an Act entitled 'An Act to provide for the taking up and posting of Strays,' " and find it correctly engrossed.

N. PRICE.
WATSON STEWART.

Mr. Elder, from Committee on Militia, submitted the following report:

The Select Committee, to whom was referred Council Bill No. 11, entitled "An Act to enroll, organize, equip and arm the Militia of the Territory of Kansas," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage, with the following amendments:

Section 2, in line 13, strike out after the word "of," the words "Brigadier General," and insert "Colonel."

Section 3, line 3, after the word "Major," strike out the words "one Quarter Master, and one Commissary, with the rank of Major." Line 6, after the word "and," insert "approved by."

Section 4, line 3, after the word "two," insert the word "second."

Section 8, line 4, strike out the word "Aids," and in 6th line, strike out after the word "the," the word "Aids," and insert "Staff officers." After the word "Major," insert the words "General shall have the rank of Major." Eighth line, strike out the word "Colonel" after the word "of," and insert the word "Captain." Eighth line, after the word "the," strike out the word "Aids," and insert "Staff officers." Ninth line, after "Colonel," insert "shall consist of one regimental Quarter Master, one Commissary, with the rank of First Lieutenants, and one Adjutant, with the rank of Second Lieutenant." Strike out all after the word "Colonel."

Add section 11, "That the officers named and provided for in this Act, shall faithfully perform their respective duties in accordance with the rules and regulations governing the regular military service of the United States, so far as they are applicable."

Add section 12, "That all acts, and parts of acts, heretofore passed for the formation of military or volunteer companies, are hereby repealed."

"Section 13. This Act to take effect and be in force from and after its passage."

P. P. ELDER.
W. W. UPDEGRAFF.
M. R. BENTON.
CHAS. G. KEELER.

Mr. Hendry introduced Council Bill No. 28, entitled "An Act to repeal an Act entitled 'An Act relating to sales of real property,'" which was

Read first time.

Mr. Stewart introduced Council Bill No. 29, entitled "An Act to organize the county of Orange," which was

Read first time.

Mr. Elder introduced Council Bill No. 30, entitled "An Act respecting services by publication in civil cases," which was

Read first time.

Council Bill No. 9, entitled "An Act divorcing Rudacia F. Stevens," was

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Price, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

So the Bill passed.

The title was agreed to.

Council Bill No. 14, entitled "An Act amendatory of the laws respecting Guardians and Wards," was

Read third time.

The question being "Shall House Bill No. 153 pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward and Mr. President—12.

Nays—none.

So the Bill passed, and

Title was agreed to.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of 'An Act entitled an Act to incorporate the city of Sumner,'" was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward and Mr. President—11.

Nays—Mr. Hendry—1.

So the Bill passed.

Title was agreed to.

Council Bill No. 16, entitled "An Act divorcing Ellen Jane Moore," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Price, Thomas, Woodward and Mr. President—9.

Nays—Messrs. Hendry, Palmer and Stewart—3.

So the Bill passed.

The title was agreed to.

Council Bill No. 15, entitled "An Act to divorce Wm. West from Mary Ann West," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Price, Thomas, Woodward and Mr. President—9.

Nays—Messrs. Hendry, Palmer and Stewart—3.

So the Bill passed.

Title was agreed to.

Council Bill No. 22, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved February 25, 1860," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 23, entitled "An Act to divorce James P. Whitney," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 24, entitled "An Act to amend an Act entitled 'An Act to create a Lien in favor of Mechanics and oththers,'" was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 25, entitled "An Act divorcing Henry Smith and Harriet Smith," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 27, entitled "An Act relative to Divorces," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 1, "An Act additional to an Act entitled 'An Act to provide for the taking and posting of Strays,'" was

On motion of Mr. Elder,

Laid upon the table, and ordered to be printed.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your Honorable body that the House have passed House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells, and legalizing his official acts and business transactions, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

One hundred and twenty copies of Council Bill No. 1, were ordered to be printed for the use of the Council.

House Bill No. 3, entitled "An Act to repeal certain laws therein named," was

Read first time.

House Bill No. 13, entitled "An Act in relation to the construction of Statues," was

Read first time.

House Bill No. 32, entitled "An Act to change the name of

Abraham Lawsing to John Wells, and legalizing his official acts and business transactions," was

Read first time.

House Bill No. 49, entitled "An Act legalizing certain acts of the county officers of Nemaha," was

Read first time.

On motion of Mr. Elder,

Council Bill No. 11, entitled "An Act to Enroll, Organize and Equip the Militia of the Territory of Kansas," was taken up for consideration.

The report of the Select Committee was agreed to, and,

On motion of Mr. Elder,

The rules were suspended, and

The Bill read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—Messrs. Christison and Mathias—2.

And so the Bill passed.

The title was agreed to.

Mr. Elder, on leave, introduced Council Bill No. 31, entitled "An Act to amend the Code of Civil Procedure respecting the appraisement of Real Property," which was

Read first time.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

Quorum present.

Mr. Updegraff (Mr. Palmer in the chair,) offered Council Joint Resolution No. 3, "Declaratory of the position of Kansas in the pending political crisis," which was

Read first time.

On motion of Mr. Benton,

The rules were suspended, and

The resolution read second time.

On motion of Mr. Mathias,

The resolution was ordered to be printed.

Mr. Mathias moved that the Sergeant-at-Arms be instructed to call upon the Secretary, and procure a table and five chairs for the use ofthe Council.

Mr. Elder moved to amend by appointing Mr. Mathias a Committee to confer with the Seeretary in regard to procuring a table and chairs.

Amendment carried.

The original motion was then adopted.

On motion of Mr. Updegraff,

The Council took a recess of thirty minutes.

The time of recess having expired, the Council was called to order by the President.

Mr. Palmer, from the Committee on Ways and Means, submitted the following report:

Mr. PRESIDENT:—The Committee on Ways and Means, to

whom was referred Council Bill No. 3, "An Act to extend the time for paying Taxes," have had the same under consideration, and report it back to the Council, without amendment, and recommend its passage.

L. R. PALMER, Chairman.
CHAS. G. KEELER.

Adjourned.

JOHN J. INGALLS,
Secretary.

FRIDAY, January 18, 1861,
TEN O'CLOCK, A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present, Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Journal of yesterday read and approved.

The special order for the hour being Joint Resolution No. 2, "Declaratory of the views of the Governor and Legislature upon the national controversy,"

On motion of Mr. Mathias,

It was postponed until Monday next.

Mr. Keeler, from the Committee on Divorces, submitted the following report :

MR. PRESIDENT:—Your Committee have had under consideration Council Bill No. 23, "An Act divorcing James P. Whitney," also, Council Bill No. 25, "An Act divorcing Henry Smith," and report the same back to the Council and recommend their passage.

C. G. KEELER.
CHESTER THOMAS.

Your Committee have also had under consideration Council Bill No. 26, "An Act divorcing John Van Delft," and return the same back to the Council without recommendations, no evidence or petition accompanying the Bill.

C. G. KEELER,
CHESTER THOMAS,
N. PRICE.

Mr. Price, from Committee on Divorces, submitted the following minority report:

MR. PRESIDENT:—The minority of your Committee on Divorce Bills, have had under consideration Council Bill No. 25, entitled "An Act to divorce Henry Smith and Harriet Smith," and consider the case worthy of the attention of the Council and recommend its passage.

Also, Council Bill No. 23, entitled "An Act to divorce James P. Whitney and Harriet W. Whitney," in which your Committee is of the opinion, that there is not evidence of sufficient importance to warrant them to recommend its passage.

N. PRICE.

Mr. Benton submitted the report of the commissioners to examine the condition of the Kansas Valley Bank, which

On motion of Mr. Mathias, was

Ordered to be printed.

Mr. Stewart introduced Council Bill No. 32, entitled "An Act establishing and defining the boundaries of the Counties of Neosho and La Bette," which was

Read first time.

Mr. Stewart offered the following resolution:

Resolved, That every order of the Council, to print a Bill or other paper, unless otherwise provided, shall be understood to mean one hundred copies, thirty for the se of the Council and seventy for the use of the House of Representatives.

Council Bill No. 28, "An Act to repeal an Act entitled, 'An Act relating to sales of real property,'" was

Read a second time and

Referred to Committee on Judiciary.

Message from the House of Representatives:

MR. PRESIDENT.—I am directed to notify your honorable Body, that the House of Representatives have passed House Bill No. 55, entitled "An Act to establish a ferry at the town of De Soto,"

Also, the following concurrent resolutions:

Resolved, That three Commissioners, two of whom shall be appointed by the House, one of whom shall be appointed by the Council, whose duty it shall be to revise the laws of Kansas, and that they be instructed to report to the next Legislative Assembly of the Territory or State.

Resolved, Council concurring, That the Joint Rules, reported by the Joint Committee on Rules, be and are hereby adopted as the Joint Rules for the government of the Council and House of Representatives,

And request your concurrence.

ALFRED GRAY,
Chief Clerk.

Council Bill No. 29, "An Act to organize the county of Osage," was

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 30, "An Act respecting services by publication in civil cases," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 31, "An Act to amend the Code of Civil Procedure, respecting appraisements of real property," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 3, "An Act to repeal certain laws therein named," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 13, "An Act relative to the construction of statutes," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells, and to legalize his official acts and business transactions," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 49, "An Act legalizing certain official acts of the county officers of Nemaha county," was

Read second time and

Referred to Committee on Judiciary.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the Chair.

Quorum present.

Council Bill No. 3, "An Act to extend the time for paying Taxes," was

On motion of Mr. Elder,

Referred to a Select Committee, consisting of Messrs. Elder and Mathias.

Council Bill No. 26, entitled "An Act to divorce John Van Delft and Laura Van Delft,"

On motion of Mr. Woodward, was

Recommitted to Committee on Divorces.

Mr. Keeler moved, that the majority report of the Committee on Divorces, on Council Bill No. 23, entitled "An Act to divorce James P. Whitney," be adopted.

Mr. Elder moved, as an amendment, that the minority report be adopted.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Mathias, Palmer, Price, Stewart, Thomas—8.

Nays—Messrs. Benton, Keeler, Lambdin, Woodward, Mr. President—5.

And so the minority report was adopted.

Mr. Keeler moved that the Bill be recommitted to the Committee on Divorces.

Mr. Hendry moved to lay the Bill upon the table.

Lost.

The question recurring on Mr. Keeler's motion to recommit, it was

Adopted.

Council Bill No. 25, entitled "An Act divorcing Henry Smith and Harriet Smith," was

Ordered to a third reading.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body, that the House of Representatives have passed House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

The Council went into Committee of the Whole for the con-

sideration of Council Bill No. 1, entitled "An Act additional to an 'Act to provide for the taking up and posting of strays.'"

Mr. Keeler in the chair.

After some time spent therein, the Committee arose, reported the Bill back with amendments, and recommended its passage.

Agreed to.

On motion of Mr. Elder,

The Bill was ordered to a third reading.

House Bill No. 55, entitled "An Act to establish a ferry at the town of De Soto," was

Read first time.

Mr. Keeler moved that the rules be suspended and the Bill read second time.

Mr. Price moved that the Council adjourn.

Lost.

On motion of Mr. Price,

The vote, by which the Council refused to suspend the rules, was reconsidered.

On motion of Mr. Keeler,

The rules were suspended,

The Bill read a second time and

Referred to the Committee on Corporations.

Adjourned.

JOHN J. INGALLS,
Secretary.

SATURDAY, January 19, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present, Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Mr. President—10.

Journal of yesterday read and approved.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger," have had the same under consideration and ask leave to report, that they find the applications sustained by a petition, subscribed and sworn to by the petition and affidavits of two other citizens of Atchison county, setting forth, that the character of his wife Emeline Bilger, was such as to warrant the granting of a divorce by the Courts, and that she had abondoned her said husband in the year of 1848, and has not live with him since, and the said Augustus Bilger had published, that she had left his bed and board, in a newspaper in the State of New York, in the year of 1848; therefore your Committee recommend the passage of the Bill.

P. P. ELDER,
WM. G. MATHIAS.

Mr. Elder, from the Committee on Judiciary submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 10, "An Act divorcing J. C. Kennet and Jemima Kennet," have examined the papers and evidence, and find no evidence to warrant the passage of the Bill, therefore ask leave, to report the Bill back and recommend its reference to the Committee on Divorces.

P. P. ELDER, Chairman.
WM. G. MATHIAS.

Agreed to.

Mr. Keeler, from Committee on Divorces, submitted the following report:

MR. PRESIDENT:—Your Committee, to which was recommitted Council Bill No. 26, "An Act divorcing John Van Delft and Laura Van Delft," have had the Bill under consideration, examined the testimony, and report the same back to the Council and recommend the passage.

CHAS. G. KEELER.
CHESTER THOMAS.
N. PRICE.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 22, "An Act to amend an Act entitled, 'An Act to establish a Code of Civil Procedure,'" have had the same under consideration, and recommend its passage with the following amendments: after the word "Act" in the second line of the title, insert the words "amend an Act."

Also, Council Bill No. 30, "An Act respecting services by publication in civil cases," and recommend its passage without amendment.

P. P. ELDER, Chairman.
JAMES M. HENDRY.
WM. G. MATHIAS.

The Judiciary Committee, to whom was referred House Bill No. 49, "An Act legalizing certain official acts of the county officers of the county of Nemaha," have had the same under consideration, and ask leave, to report the same back and recommend its passage without amendment.

P. P. ELDER, Chairman.
JAMES M. HENDRY.
WM. G. MATHIAS.

Mr. Mathias moved, that the Council concur in the resolution of the House, relative to appointing Commissioners, to revise the laws of Kansas.

Mr. Elder moved, as a substitute, to postpone the subject until 10 o'clock Monday morning.

Carried.

Mr. Hendry moved, to concur in House resolution, adopting Joint Rules.

Carried.

JOINT RULES.

RULE 1. Each House shall, as soon as organized, report that fact to the other House; and the two Houses shall, by Joint Committee, inform the Governor that they are ready to receive any communication he may have to make.

RULE 2. Messages from one House to the other, shall be carried by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.

RULE 3. In Joint Convention of the two Houses, the Speaker of the House shall preside.

RULE 4. Each House shall transmit to the other, all papers on which any Bill or Resolution may be founded.

RULE 5. It shall be in the power of either House to amend any amendment made by the other, to any Bill or Resolution.

RULE 6. When a Bill or Resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

RULE 7. In case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a Committee for that purpose; and the other House shall appoint a similar Committee. The Committees shall meet at the time and place appointed by the Chairman of the Committee on the part of the House requesting such conference. The Committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the Committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

RULE 8. It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers on which such difference arose, are before the House receding, formally or informally.

RULE 9. If the two Houses adhere to their disagreement, or if as many as two Committees of Conference have been appointed, and cannot agree, the Bill which is the subject of difference shall be deemed lost, and shall not be revived, in either House, during that session.

RULE 10. All Joint Committees, and all Committees of Conference, shall consist of three members of the Council, and five members of the House, unless otherwise specially ordered by Concurrent Resolution.

RULE 11. The same Bill shall not create, renew, continue, or alter more than one incorporation; but this rule shall not apply to corporations formed under general laws, nor to Bills consolidating corporations.

RULE 12. When a Bill shall have passed one House, which requires the concurrence of the other, it shall be transmitted to such House without entering an order on the journal.

RULE 13. After a bill shall have passed both Houses, it shall be neatly enrolled by the Enrolling Clerk of the House in which it originated.

RULE 14. After a bill is duly enrolled, it shall be examined by the Joint Committee on enrolled Bills, who shall carefully compare the enrolled Bill with the engrossed Bill, as passed in the two Houses, and correct any errors that may be discovered in the enrolled Bill, and report forthwith, in writing, to the House in which the Bill originated, which report shall be entered on the journal of that House, and they shall return the engrossed Bill to the Enrolling Clerk of the House in which it originated. After such examination and report, the Committee shall present the Bill to the Speaker of the House, for his signature, and, if the bill originated in the House, to the Chief Clerk, who shall certify to that fact, on the back of the roll; after which the Committee shall present the Bill to the President of the Council, for his signature, and, if the Bill originated in the Council, to the Secretary for his signature. Immediately after a Bill is properly signed, the Committee shall present it to the Governor for his signature, and report, in writing, to the House in which it originated, the day of the week, and date of the month, on which such Bill was so presented, which report shall be entered on the journal of that House.

RULE 15. All Joint Orders, Memorials, Resolutions and Votes which are to be presented to the Governor, for his approval, shall be treated in the same manner as Bills.

RULE 16. The Committees of each House, on Territorial Expenditures, Legislative Expenditures, and Enrolled Bills, shall act jointly, and be considered Joint Committees of the two Houses.

RULE 17. No item shall be inserted in any Bill, appropriating money, until it shall have been examined by the Joint Committee on Territorial Expenditures; and no money shall be appropriated except by Bill.

RULE 18. The General Appropriation Bill shall be introduced into the House at least ten days before the close of the Session, and passed and sent to the Council at least five days before the close of the Session.

RULE 19. No Bill, or other paper, shall be printed until so

ordered by one or the other House; and such order shall specify the number for each member, officer and Territorial officer.

RULE 20. Orders to print, unexecuted, expire at the close of the Session; and no document shall be printed or delivered, after the final adjournment, unless under some law or resolution of the two Houses.

RULE 21. Whenever there shall be an election of officers, by the joint action of the two Houses, the result shall be certified by the President of the Council and Speaker of the House, and shall be reported by each to their respective Houses; which report shall be entered on the journal of each, and shall be communicated to the Governor by the clerks of the two Houses jointly.

RULE 22. A majority of the members elect to each House, shall constitute a quorum in that House. And when a quorum is present, a majority shall have power to pass any Bill or other paper; and, also, to adopt all motions and resolutions not specially prohibited by rule; and two-thirds shall have power to pass a Bill, or other paper, over the veto of the Governor.

RULE 23. These Rules may be changed or suspended, by Concurrent Resolution, on the vote of two-thirds of the members present in each House.

RULE 24. No Bill shall be originated in either House after thirty days from the commencement of the Session.

Mr. Mathias introduced Council Bill No. 33, entitled "An Act to amend an Act entitled 'An Act exempting certain property from sale upon execution or other process,'"

Read first time.

Mr. Hendry introduced Council Bill No. 34, entitled "An Act extending the time to file a bond under an Act entitled 'An Act to incorporate the De Soto Ferry Company,'" which was

Read second time and

Referred to Committee on Incorporations.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
January 19th, 1861.

To the Honorable the Legislative Assembly:

I have the honor to transmit herewith the Report of the Territoral Auditor;

Also, that of the Territorial Board of Equalization for the year 1860.

Respectfully,

G. M. BEEBE.

[See Auditor's Report, commencing page 54 —PRINTER.]

Mr. Mathias introduced Council Bill No. 35, entitled "An Act to authorize Justices of the Peace, to issue attachments against lands and tenaments in certain cases," which was

Read first time.

On motion of Mr. Mathias,

It was ordered, that the reports of the Auditor and Board of Equalization, with accompanying documents, be printed; five hundred copies in English and one hundred copies in German, for the use of the Council, and three hundred additional copies for the use of the Auditor.

The President laid before the Council the report of the Superintendent of Public Instruction.

[See Report of Superintendent of Public Instructions, commencing on page 24.—PRINTER.]

On motion of Mr. Elder,

Five hundred copies were ordered to be printed, for the use of the Council.

On motion of Mr. Elder,

Council Joint Resolution No. 3, declaratory of the position of Kansas in the pending political crisis, was amended by inserting the words "be it," between "therefore" and "resolved," at the close of the preamble.

On motion of Mr. Mathias,

The Joint Resolution was referred to a Select Committee, consisting of Messrs. Thomas, Keeler and Lambdin.

Council Bill No. 25, "An Act divorcing Henry Smith and Harriet Smith," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Price, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

Council Bill No. 1, "An Act additional to an Act entitled 'An Act to provide for the taking up and posting of Strays,'" was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

And so the Bill passed.

Title was agreed to.

Council Bill No. 32, "An Act establishing and defining the boundaries of the counties of Neosho and La Bette," was

Read second time and

Referred to Committee on Counties and County Lines.

Mr. Mathias, from Committee appointed to wait upon the Secretary of the Territory to procure table and chairs for the use of the members, reported that he had performed that duty, and

that the Secretary declined to accede to the request of the Council.

On motion of Mr. Thomas,

The report was received, and the Committee discharged.

House Bill No. 22, entitled "An Act to incorporate the Pioneer Hook and Ladder Company, No. 1," was

Read first time.

Council Bill No. 6, entitled "An Act divorcing Augustus Bilger and Emeline Bilger," was

Ordered to third reading.

House Bill No. 49, entitled "An Act legalizing certain official acts of the county officers of Nemaha county," was

Ordered to a third reading.

Council Bill No. 30, entitled "An Act respecting services by publication in Civil Cases," was

Ordered to be engrossed for a third reading.

The report of the Committee on Council Bill No. 22, entitled "An Act to amend an Act to establish a Code of Civil Procedure," approved February 25th, 1860, was agreed to, and

The Bill ordered to a third reading.

Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," was

Ordered to a third reading.

Mr. Stewart offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be requested to procure, for the use of the Council, one desk, five chairs, and a bottle of

mucilage for each member and officer of the Council. Also, curtains for the east windows of the Council Chamber.

On motion of Mr. Elder,

The Council took a recess of twenty minutes.

The time having expired,

The Council was called to order by the President.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed the following Concurrent Resolution:

Resolved, (the Council concurring,) That the regular hours of meeting of the body of the Legislative Assembly, until otherwise ordered, shall be from 9 o'clock A. M., until 1 o'clock P. M.

Also, House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Palmer,

The Council refused to concur in House resolution relative to hours of meeting.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the chair.

Quorum present.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body

that the House of Representatives have passed House Bill No. 4, entitled "An Act to incorporate the Havana City Company," and respectfully request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred House Bill No. 55, entitled "An Act to establish a Ferry at the town of De Soto," have had the same under consideration, and report the same back, without amendment, and recommend its passage.

WM. G. MATHIAS, Chairman.
J. B. WOODWARD.
CHESTER THOMAS.

Agreed to.

Mr. Mathias, from the Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred Council Bill No. 34, entitled "An Act extending the time to file a bond under an Act entitled "An Act to incorporate the De Soto Ferry Company," have had the same under consideration, and report the same back, and recommend its rejection.

WILLIAM G. MATHIAS, Chairman.
CHESTER THOMAS.
J. B. WOODWARD.

Agreed to.

Mr. Benton moved that the Bill be read a third time at once.

Mr. Hendry moved to amend by adding, after the word "suit." seventh line, fifth section, "and the costs of such suit."

Lost.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council, that the House of Representatives has passed House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Mathias moved, to amend House Bill No. 55, by adding another section as follows:

This Act to take effect and be in force from and after its passage.

Adopted.

Mr. Hendry moved, to amend by striking out in section six, the latter part of second, and first part of third lines, the words "and for two miles up and down the said river of Kansas."

Lost.

Mr. Benton's motion prevailed, and the Bill was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President–11.

Nays—Mr. Elder.

So the Bill passed, and

Title was agreed to.

House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas,"

Read first time.

House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," was

Read first time.

House Bill No. 4, entitled "An Act to incorporate the Havana City Company," was

Read first time.

Adjourned.

JOHN J. INGALLS,
Secretary.

MONDAY, January 21, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the Chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Absent—Mr. Lambdin, on account of sickness.

Journal of Saturday read and approved.

Mr. Keeler, from Committee on Divorces, submitted the following report:

MR. PRESIDENT:—Your Committee on Divorces have had under consideration Council Bill No. 10, "An Act divorcing John C. Kennett and Jemima Kennett," report the same back to the Council, requesting the petition to be read by the Clerk in the presence of the Council.

CHAS. G. KEELER,
Chairman.

Mr. Price, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Council Bill No. 30, entitled "An Act respecting service by publication in civil cases," and find it correctly engrossed.

N. PRICE.

Mr. Hendry, from Committee on Counties and County Lines, submitted the following report:

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 19, entitled "An Act changing the

western boundary of Chase County," ask leave to report the Bill back without amendment, and recommend its passage.

JAMES M. HENDRY.
CHESTER THOMAS.
C. G. KEELER.

Mr. Price introduced Council Bill No. 36, entitled "An Act to prevent the accruing of unnecessary costs in civil cases," which was

Read first time.

Mr. Mathias introduced Council Bill No. 37, entitled "An Act imposing a tax upon a Ferry privilege," which was

Read first time.

Mr. Thomas introduced Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas," which was

Read first time.

Mr. Woodward offered the following resolution, which was adopted:

Resolved, That from and after January 21st, the hour of meeting of the Council shall be 10 o'clock A. M.

Council Joint Resolution No. 2, declaratory of the views of the Governor and Legislature upon the National controversy, being the order of the day,

On motion of Mr. Benton,

The subject was postponed until Wednesday next.

Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias, Price, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed.

Council Bill No. 22, "An Act to amend an Act to establish a Code of Civil Procedure, approved February 25th, 1860," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

And so the Bill passed.

The title was agreed to.

Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—10.

Nay—Mr. Hendry.

And so the Bill passed.

The title was agreed to.

Council Bill No. 30, "An Act respecting service by publication in civil cases," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler,

Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

And so the Bill passed.

The title was agreed to.

House Bill No. 49, "An Act legalizing certain official acts of the county officers of Nemaha county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

And so the Bill passed.

The title was agreed to.

Council Bill No. 33, "An Act to amend an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 35, "An Act to authorize Justices of the Peace to issue attachments against land and tenements, in certain cases," was

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 22, "An Act incorporating the Pioneer Hook and Ladder Company No. 1," was

Read second time, and

Referred to Committee on Incorporations.

House Bill No. 65, "An Act for the relief of S. P. Thompson," was

Read second time, and

Referred to Committee on Legislative Expenditures.

Council Bill No. 19, entitled "An Act changing the western boundary of Chase county," was

Ordered to a third reading.

Message from the House of Representatives:

MR. PRESIDENT: I am directed by the House to notify the Council that the House have concurred in Council Amendment to House Bill No. 55, entitled "An Act to establish a Ferry at the town of DeSoto," and have passed House Bill No. 7, entitled "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial road." Also, House Bill No. 10, entitled "An Act to incorporate the First Congregational Church of Manhattan," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

Council Bill No. 10, entitled "An Act divorcing John C. Kenneth and Jemima Kenneth," was,

On motion of Mr. Hendry,

Indefinitely postponed.

House Bill No. 7, "An Act to declare the Military road from Fort Riley to Fort Larned a Territorial road," was

Read first time.

House Bill No. 10, entitled "An Act to incorporate the First Congregational Church of Manhattan," was

Read first time.

Mr. Elder, on leave, introduced Council Bill No. 39, entitled "An Act to provide for the location of the County Seat of Franklin county," which was

Read first time.

On motion of Mr. Elder,

The Council took a recess of fifteen minutes.

The time of recess having expired,

The Council was called to order by the President.

Mr. Price introduced Council Bill No. 40, entitled "An Act to amend an Act entitled 'An Act to restrain Dram Shops and Taverns, and regulating the sale of Intoxicating Liquors,'" which was

Read first time.

Also, Council Bill No. 41, entitled "An Act to release the Treasurer of Doniphan county from the collection of certain taxes," which was

Read first time.

Also, Council Bill No. 42, entitled "An Act legalizing certain acts of the County Clerk of Doniphan county," which was

Read first time.

Mr. Thomas offered the following resolution, which was adopted:

Resolved, That the Enrolling Clerk be and is hereby authorized to appoint Assistants, as he may require them, subject to confirmation by the Council.

Mr. Benton introduced Council Bill No. 43, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved February 11th, 1859, which was

Read first time.

On motion of Mr. Woodward,

House Bill No. 7, entitled "An Act to declare the Military road from Fort Riley to Fort Larned a Territorial road," was taken up.

On motion of Mr. Woodward,

The rules were suspended, the

Bill read second time and

Referred to Committee on Roads and Highways.

On motion of Mr. Elder,

The rules were suspended, and

Council Bill No. 39, entitled "An Act to provide for the location of the county seat of Franklin county," was

Read second time, and

Referred to Committee on Counties and County Lines.

On motion of Mr. Mathias,

The rules were suspended,

Council Bill No. 43, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved February 11th, 1859, was

Read second time and

Referred to Committee on Judiciary.

Adjourned.

JOHN J. INGALLS,
Secretary.

TUESDAY, January 22, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Mr. President—11.

Absent—Messrs. Palmer, Woodward—2.

Journal of yesterday read and approved.

Mr. Hendry, from Committee on Counties and County Lines, submitted the following reports:

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 32, entitled "An Act establishing and defining the boundaries of the counties of Neosho and La Bette," having had the same under consideration, beg leave to report it back, with the following substitute, and recommend the passage of the substitute.

JAMES M. HENDRY.
C. G. KEELER.

Your Committee on Counties and County Lines, having had under consideration Council Bill No. 20, entitled "An Act changing the eastern boundary of Morris county;" also, sundry petitions, beg leave to report the Bill back, without amendment, and recommend its passage.

JAMES M. HENDRY.
C. G. KEELER.

Your Committee on Counties and County Lines, having had under consideration Council Bill No. 39, entitled "An Act to provide for the location of the county seat of Franklin county," beg leave to report the same back, with the following substitute, and recommend the passage of the substitute.

JAMES M. HENDRY.
C. G. KEELER.

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 29, entitled "An Act to organize the county of Orange," ask leave to report the same back, with the following amendment, by substituting the following for section sixth: "That the county of Orange shall be attached to the county of Bourbon for judicial purposes."

C. G. KEELER.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 21, "An Act to amend the Code of Civil Procedure respecting the

appraisement of Real Property," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage, with the following amendments: Add to the end of the first section, "And the appraisement shall be made within five days after such levy; and, if the judgment debtor, his agent or attorney, or the judgment creditor, his agent or attorney, or either of them, shall not, by the fifth day after such levy is made, select an appraiser, then the officer making such levy may select either or both, as the case may be."

Second section, fourteenth line, strike out the word "some," and insert "judgment."

Section four, third line, after "property," insert "approved February 27, 1860."

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

The Judiciary Committee, to whom was referred House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells, and legalizing his official acts and business transactions," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage, with the following amendments: Amend the title by striking out all after the word "Wells." Strike out the second section.

P. P. ELDER, Ch.
WM. G. MATHIAS.
JAMES M. HENDRY.

The Judiciary Committee, to whom was referred Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of a Justice of the Peace;'"

Also, House Bill No. 3, "An Act to repeal certain laws therein named," have had the same under consideration, and ask leave to report the same back, without amendment, and recommend their passage.

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

Mr. Benton, from Committee on Roads and Highways, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads have had under consideration House Bill No. 7, "An Act to declare the Military road from Fort Riley to Fort Larned, a Territorial road," and beg leave to report the Bill back with amendments and recommend its passage: In first section, fourth line, after the word

Highways, add, "*provided*, no reserve shall be made, and that the Territory shall be at no expense."

M. R. BENTON, Ch'n.
WM. G. MATHIAS,
J. C. LAMBDIN.

Mr. Price introduced Council Bill No. 44, entitled "An Act providing for the reviewing and locating a Territorial road from the city of Atchison to the Nebraska line," which was

Read first time.

Also, Council Bill No. 45, entitled "An Act providing for the reviewing and locating a Territorial road from the city of Elwood to the Nebraska line," which was

Read first time.

Mr. Palmer introduced Council Bill No. 46, entitled "An Act to establish the boundary line between the counties of Leavenworth and Johnson," which was

Read first time.

Mr. Woodward introduced Council Bill No. 47, entitled "An Act to define the western boundary of Davis county," which was

Read first time.

Also, Council Bill No. 48, entitled "An Act to establish a Ferry across the Smoky Hill river at the mouth of Turkey Creek in Dickinson county," which was

Read first time.

Mr. Mathias introduced Council Bill No. 49, entitled "An Act making an appropriation for paying the salary and other expenses, allowed by law, of the Territorial Superintendent of Common Schools," which was

Read first time.

Mr. Stewart introduced Councill Bill No. 50, entitled "An Act to amend an Act entitled 'An Act relating to Attorneys,'" which was

Read first time.

Mr. Keeler, introduced Council Bill No. 51, entitled "An Act releasing Lydia A. Gorlee from any matrimonial contract yet existing with George Gorlee," which was

Read first time.

Mr. Mathias introduced Council Bill No. 52, entitled "An Act to establish a Ferry across the Missouri river," which was

Read first time.

Mr. Mathias introduced Council Bill No. 53, entitled "An Act to divorce Lucy Van Tifflin and Schuyler Van Tifflin," with accompanying affidavits, which was

Read first time.

Mr. Hendry introduced Council Bill No. 54, entitled "An Act legalizing a certain bond, therein named," which was

Read first time.

On motion of Mr. Hendry,

The rules were suspended, and

The Bill read second time and

Referred to Committee on Judiciary.

Mr. Benton introduced Council Bill No. 55, entitled "An Act to repeal certain parts of Acts therein specified," which was

Read first time.

Council Bill No. 19, "An Act changing the western boundary line of Chase county," which was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 36, "An Act to prevent the accruing of unnecessary costs in civil cases," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 37, "An Act imposing a tax upon a Ferry privilege," was

Read second time and

Referred to Committee on Incorporations.

Council Bill No. 38, "An Act to incorporate the Commercial Bank of Kansas," was

Read second time and

Referred to Committee on Banks and Banking.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House has passed House Bill No. 128, entitled "An Act making an appropriation for the payment of the Clerk of the House for the session of 1860, for extra services;"

Also, House Bill No. 9, entitled "An Act to amend 'An Act to incorporate the Blue River Bridge Company,' approved February 9, 1858." Your concurrence is solicited.

ALFRED GRAY,
Chief Clerk.

Council Bill No. 40, "An Act to amend 'An Act to restrain dram-shops and taverns, and regulating the sale of intoxicating liquors,'" which was

Read second time, and

On motion of Mr. Palmer, was

Laid upon the table and ordered to be printed.

Council Bill No. 41, "An Act to release the Treasurer of Doniphan county from paying certain taxes," was

Read second time and

Referred to Committee on Ways and Means.

Council Bill No. 42, "An Act legalizing certain acts of the County Clerk of Doniphan county," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 10, "An Act to incorporate the First Congregational Church at Manhattan," was

Read a second time and

Referred to Committee on Incorporations.

On motion of Mr. Mathias,

The rules were suspended and

Council Bill No. 49, entitled "An Act making an appropriation for paying the salary and other expenses, allowed by law, of the Territorial Superintendent of Common Schools," was

Read second time and

Referred to Committee on Legislative Expenditures.

On motion of Mr. Palmer,

House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,' approved February 9, 1858," was

Read first time.

The rules were suspended, and the Bill

Read second time and

Referred to Committee on Incorporations.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House has passed House Bill No. 81, entitled "An Act to change the title of the Kansas Valley Bank, Branch at Atchison, Territory of Kansas," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

House Bill No. 128, entitled "An Act making an appropriation for the payment of the Clerk of the House for the session of 1860, for extra services," was

Read first time.

House Bill No. 81, entitled "An Act to change the title of the Kansas Valley Bank, Branch at Atchison, Territory of Kansas," was

Read first and second times and

Referred to Committee on Banks and Banking.

House Bill No. 3, entitled "An Act to repeal certain laws therein named," was ordered to be read a third time.

The report of the Committee on Council Bill No. 29, entitled "An Act to organize the County of Orange," was

Agreed to, and

The Bill ordered to be read a third time.

The report of the Committee on Council Bill No. 20, entitled "An Act changing the eastern boundary of Morris County," was

Agreed to, and

The Bill ordered to be read a third time.

The report of the Committee on Council Bill No. 21, entitled "An Act to repeal an Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of Justices," was

Agreed to, and

The Bill ordered to be read a third time.

The report of the Committee on House Bill No. 32, entitled "An Act changing the name of Abraham Lawsing to John Wells and legalizing his official actions and business transactions," was

Agreed to, and

The Bill ordered to be read third time.

The report of the Committee on Council Bill No. 39, entitled "An Act to provide for the location of the county seat of Franklin County," was

Agreed to, and

The Bill ordered to a third reading.

Mr. Thomas, Chairman of Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT:—Your Committee have had under consideration House Bill No. 81, "An Act to change the name of the Kansas Valley Bank Branch at Atchison," and beg leave to report the bill back without amendment and recommend its passage.

CHESTER THOMAS.
WM. G. MATHIAS.
M. R. BENTON.

The report of the Committee on House Bill No. 7, entitled "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial Road," was

Agreed to, and

The Bill ordered to a third reading.

The report of the Committee on Council Bill No. 31, entitled "An Act to amend the Code of Civil Procedure, respecting appraisements of real property," was

Agreed to, and

The Bill ordered to a third reading.

The report of the Committee on Council Bill No. 32, entitled "An Act establishing and defining the boundaries of the Counties of Neosho and La Bette," was

Agreed to, and

The Bill ordered to a third reading.

Mr. Elder, on leave, introduced the following preamble and resolution, which were adopted :

WHEREAS, The members of the two Houses of the Legislative Assembly subscribed liberally for the Lawrence *Daily Republican*, for the purpose of disseminating more readily the proceedings of the Legislature among their constituents ; therefore

Resolved, By the Council, (the House concurring therein) that the conductors of said paper be most respectfully requested, to report in full, in said paper, the proceedings of the two Houses, it being the legitimate object of the subscriptions.

Resolved, That the Sergeant-at-Arms be directed to deliver a copy of this resolution to the publishers of that paper forthwith.

The report of the Committee on House Bill No. 81, entitled "An Act to change the name of the Kansas Valley Bank, Branch at Atchison, K. T.," was

Agreed to, and

The Bill ordered to a third reading.

On motion of Mr. Elder,

The report of the Territorial Superintendent of Public Instruction was referred to the Select Committee to revise the School Laws of this Territory.

Adjourned.

JOHN J. INGALLS,
Secretary.

WEDNESDAY, Jan. 23, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Journal of yesterday read and approved.

Mr. Elder presented the petitions of James R. Barnard and George Lovelace, praying for divorce, which were

Read, and

Referred to Committee on Divorces.

Mr. Benton presented the petition of Melissa Hoover, for Divorce from Sylvester Hoover, which was

Read, and

Referred to Committee on Divorces.

Mr. Elder presented the petition of Wm. Pennock, H. H. Bliss, and fifty-six others, praying for a change of county lines of Franklin and Donglas counties,"

Which was read, and

Referred to Committee on Counties and County Lines.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1," have had the

same under consideration; and also House Bill No. 4, entitled "An Act to incorporate the Havana City Town Company;" and, also, House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" approved February 9th, 1858, and report the same back without amendment, and recommend their passage.

WM. G. MATHIAS.
CHESTER THOMAS.
J. B. WOODWARD.

Message from the House of Representatives:

MR. PRESIDENT: I am directed to notify your honorable body that the House of Representatives have concurred in Preamble and Concurrent Resolutions of Council, requesting the conductors of the Lawrence Daily *Republican* to publish, in full, the proceedings of the Legislative Assembly.

ALFRED GRAY,
Chief Clerk.

Mr. Woodward, from Committee on Legislative Expenditures, submitted the following report:

MR. PRESIDENT: Your Committee on Legislative Expenditures, to whom was referred House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," have had the same under consideration, and respectfully report the same back to the Council without amendment, and recommend its passage.

J. B. WOODWARD.
J. M. HENDRY,
C. G. KEELER.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred Council Bill No. 37, entitled "An Act imposing a tax upon a Ferry Privilege;" and, also, House Bill No. 10, entitled "An Act to Incorporate the First Congregational Church of Manhattan," have had the same under considereration, and report the same back without amendment, and recommend their passage.

WM. G. MATHIAS.
CHESTER THOMAS.
J. B. WOODWARD.

Mr. Keeler, from Committee on Divorces, submitted the following report:

MR. PRESIDENT: Your Committee, to whom was recommitted

Council Bill No. 13, "An Act divorcing Harriet L. Parker," have had the same under consideration, and report it back to the Council and recommend its passage.

CHAS. G. KEELER.
N. PRICE.
CHESTER THOMAS.

Mr. Elder, from the Select Committee, to whom was referred Council Bill No. 3, entitled "An Act to extend the time for paying taxes," submitted the following report:

The Select Committee, to whom was referred Council Bill No. 3, "An Act to extend the time for payment of taxes," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage with the following amendments: Add to the first section, "*Provided*, That the provisions of this Act shall not apply to the counties of Leavenworth and Franklin."

P. P. ELDER,
WM. G. MATHIAS.

Mr. Elder, from the Joint Select Committee on the part of the Council, to whom was referred the subject of the revision of the School and Election Laws of this Territory, with a view to harmonize them with the County and Township laws, submitted a report,

Which was read, and

On motion of Mr. Mathias,

One thousand copies of the same were ordered to be printed.

REPORT ON SCHOOL AND ELECTION LAWS.

The Joint Select Committee, on the part of the Council, to whom was referred the subject of the revision of the School and Election Laws of this Territory, with a view to harmonize them with the county and township organization, have examined the present school law, and made such alterations as, in the judgment of your committee, would render it effectual and make it consistent with the present organization of countiesand townships, and ask leave to submit the following report:

Your Committee, in connection with the members on the part of the House of Representatives, have very carefully prepared the bill herewith submitted, which proposes such a systematic and harmonious connection between the Territorial Superintendent,

County Superintendent and the District Board, as will, we confidently believe, avoid many of the difficulties heretofore attending the duties of the several school offices, and will greatly tend to place our system of free schools in a condition to warrant their future success. And if the several officers, who take upon themselves the grave responsibilities of executing the school laws, do their whole duty, much may be anticipated from their judicious application.

Since your Committee entered upon the discharge of their duties, the report of the Territorial Superintendent has been referred to them, and has been examined and fully considered, in which we find much that should be in the possession of every family, many wise and salutary suggestions, calculated to animate the unfortunate people of this Territory. And while your Committee are thus favorably impressed with the kind allusions to the future and the difficulties surrounding our school system, they deem it due the members of this Council, to notice that part of the Superintendent's Report, which must be construed, by a candid and reading community into an attack upon the late Legislature, of which we form an humble part. In noticing the general tone of that Report, your Committee are aware they tread on delicate and forbidden ground.

Your Committee, in common with all the members of the late Legislature, have viewed, with deep concern, the numerous difficulties and embarrassments encountered by the Superintendents of Public Schools during the last year, by the late Legislature having transferred the duties of the County Superintendent, in forming and altering school districts, to the trustees of townships. Your Committee is, also, fully aware that, to some extent, this embarrassment arose from an entire misapprehension of the laws passed at that session. This arose partly from the unusual delay in the publication of the laws passed, and partly from an erroneous construction put on those that were published, thereby falling into the great error that the office of County Superintendent was abolished. And your Committee are at a loss to know how the Territorial Superintendent could have fallen into *the same error*, when, in accordance with law, "he is required to hold his office at the Capital," where he has an opportunity to examine all laws filed in the office of the Secretary of the Territory, whether published or in manuscript.

On the first page of his Report he uses the following very extraordinary language:

"Owing to the Legislation of last winter, abolishing the office of County Superintendent, and failing to make it the duty of any other county officer to report to this office the condition, &c., of the public schools, I am unable to make a full and definite report for the past year.

"What few reports have been received, so far, are from counties where the Superintendents have been sustained, either from ignorance of, or a disregard to, the legislation of last session."

And on page two, he says:

"*It would have been well for the educational interests of our Territory if those laws (of last session,) had been permitted to have remained in manuscript until now.*"

This extract, containing a wholesale thrust at the Legislature of 1860, needs only a passing notice to render it supremely ridiculous to those County Superintendents, and all others who may read that report.

The Joint Committee of the two Houses of the last Legislature had under consideration the subject of the revision of the laws of the county and township organizations, among which was the School Law; and in preparing the township law, the duties and power of forming school districts, was transferred to and conferred on, the trustees of the townships, and was, also, made to harmonize in the School Law, by taking that power from the County Superintendent.

The county and township laws went into operation, while for some cause, by design or neglect, the Executive did not sign the School Law, although presented to him by the Committee on Enrolled Bills. This very important link in the system of county and township government, as arranged by that Joint Committee, being thus most injuriously left out, disarranged and embarrassed the entire system, but without fault on the part of the Legislative branch. Your Committee have, on further examination, found that the office of County Superintendent was not abolished by the repeal of the County Law, because that office was not a part of the County Law, or provided for in it; hence the repeal of the County Law did not abolish that office, for it owed its existence to the School Law, which was not repealed. And the repealing clause of the Township Act did not abolish the office, it being in the following language: "All Acts and parts of Acts *inconsistent* with this Act, are hereby repealed," most clearly leaving in full force all laws on the subject of schools, except the power of forming school districts by the County Superintendent.

Your Committee are of the opinion that more need not be said to convince all who have thus been embarrassed, of the error they have fallen into, and the great injustice the Superintendents have so willingly done the late Legislature, which would never have occurred had the Territorial Superintendent kept his office at the CAPITAL, where he could readily and more promptly have answered inquiries and communications of the local officers, relative to schools—apprising them of the misconstructions of the laws they had imbibed from reading the township laws and from irresponsible news mongers.

On page four, he says:

"Although the whole school system of our Territory has become deranged and bankrupt from the act of last winter's Legislature, in passing by the public schools when appropriating the public money, yet the attachment of the people to their schools is so strong that they have clung to their organizations, amidst embarrassment and great discouragement. For what can be more discouraging to a people than to tax themselves, and build school houses, elect officers and organize districts, with the hopes of having free schools for their children, and to find that, when they have teachers employed and schools in operation, the Legislature of the Territory has closed the public purse against them, although opened widely to almost every thing else."

Your Committee are of the opinion that such unwarrantable attacks upon a legislative body, (especially when without foundation in fact,) only exhibits an entire want of knowledge of the legislative proceedings of this Territory—with which he should have rendered himself familiar. And, had that Superintendent fully complied with the provisions of section sixth of the school law, (to which your Committee calls particular attention,) this embarrassment would have been saved, and "*our whole school system*" *would not have* "*become deranged and bankrupt from the acts of the last legislature*," nor "*the County Superintendents gone on either in ignorance or in doubt of what the law was.*"

Then your Committee repeat, and hurl back with just indignation, the declaration:

"Such treatment creates distrust and discouragement, which only a brave people, imbued with the principles of freedom and progress, can overcome, and who believe and act upon the principle that when one set of men fail to do their duty, the only way is to lay them aside and send better men to fill their places."

On page six, he says:

"The Legislature of last winter made no provision for levying a school tax or raising a fund for the sustenance of public schools. Neither did it make any provision for the county superintendents paying over what funds remained in their hands to any other officers. On this account, what public funds there were have been either frittered away or withheld from the schools to which they of right belonged. These things have not only occasioned much trouble and bitterness against the school system, at the bungling manner in which its funds have been handled, but they have thoroughly disgusted some of its warm friends."

The Legislature of 1860 did not deem it necessary to raise a school fund by levying a Territorial tax—that power and duty having been conferred on the counties and districts; and, at this

stage of our school system, it more properly belonged to them. And the office of county superintendent being undisturbed by the Legislature, rendered it only necessary for the Territorial Superintendent to have examined the law to have saved him from falling into such a grave error.

On pages eleven and twelve, he says:

"First, *You will have much, if not all the legislation of last winter, relating to our public schools, to do over again.* It is painful and unpleasant for me to recur to it so often, but a sense of duty for that part of the public interest over which I have been called to watch, compels me to speak out. Why such legislation, in the very face of facts, the most opposite and distinctly contrary to the expressed will of the people, as set forth by them and broadly published to the world in a permanent and reiterated form—first, by their delegates who formed the Wyandott Constitution, and, second, in their own deliberate adoption of that instrument, was ever brought forth in the face of an enlightened people, and pushed through, I am unable fully to comprehend. To those at a distance, it appears like child's play—one party building for the next to pull down. But let the motive be what it might, true patriotism and the well-being of society, or local jealousies and a love of change, the effect is deplorable. The whole efficiency of the school system has been arrested in its very successful career; and, had it not been for the deep-seated attachment of the people for public schools, the great majority of the work would have had to been done over again. But, happily for the interest of education, the people flew to the rescue, when the rightful guardian abandoned their charge, and nobly have they acted in the midst of discouragement and stern want."

Your Committee have not been able to plunge deep enough into the "abstruse regions of conglomerated thought," to solve fully the meaning of the Superintendent in the above quotation, and therefore dismiss it.

Your Committee is not unconscious of the numerous difficulties surrounding a Kansas Legislature, and, while they have had the welfare of the people at heart, and, in many instances, the honor and dignity of the Territory resting on them—in the midst of conflicting opinions and inexperience—have committed many errors; yet, the efforts and energies of that Legislature were seduously directed to making and improving such laws as would tend to benefit the people who were to use and live under them. Therefore, your Committee would adopt the language of the report as being applicable to many of the surroundings of a Legislature:

"The difficulty of framing a school law that will meet the approbation of all our people and supply the wants of all parts of

our Territory, will be apparent to any one on a moment's reflection. Such a law cannot be made, neither should it be attempted. There only can be an approximation made in that direction, but these difficulties will disappear as the country becomes settled, and the people better acquainted with the law. We should bear with some present disadvantages rather than be continually changing to accomplish an impossibility. * * *

"You will have mountain difficulties to meet and overcome—difficulties which well might quell the boldest heart, and fill with trembling the wisest legislators. But these barriers should only nerve you more firmly to meet and overcome; to boldly face the emergency and triumph in the right."

All of which is respectfully submitted.

P. P. ELDER,
WM. G. MATHIAS,
On the part of the Council.

Mr. Thomas, from the Select Committee on Council Joint Resolution No. 3, "declaratory of the position of Kansas in the pending crisis," submitted the following report:

MR. PRESIDENT: Your Committee, to whom was referred Council Joint Resolution No. 3, "declaratory of the position of Kansas in the pending crisis," beg leave to report the same back to the Council, and recommend its adoption.

CHESTER THOMAS.
C. G. KEELER.
J. C. LAMBDIN.

Mr. Price, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Council Bill No. 31, entitled "An Act to amend the Code of Civil Procedure respecting appraisements of Real Property;"

Also, Council Bill No. 29, entitled "An Act to organize the county of Orange," and find them correctly engrossed.

N. PRICE.

Mr. Keeler introduced Council Bill No. 56, entitled "An Act to divorce David P. Metcalf from B. Emily Metcalf," which was

Read first time.

Also, Council Bill No. 57, entitled "An Act to amend an Act

entitled 'An Act to establish a Code of Civil Procedure,'" which was

Read first time.

Mr. Lambdin introduced Council Bill No. 58, entitled "An Act to provide for the permanent location of the county seat of Chase county," which was

Read first time.

Also, Council Bill No. 59, entitled "An Act to amend an Act creating and organizing the county of Irving," which was

Read first time.

Mr. Elder, from Joint Select Committee, introduced Council Bill No. 60, entitled "An Act for the organization, supervision and maintenance of Common Schools," which was

Read first time.

Mr. Hendry introduced Council Bill No. 61, entitled "An Act for the relief of J. Leiby and L. S. Hall," which was

Read first time.

Mr. Mathias introdueed Council Joint Resolution No. 4, "Requesting the First Auditor of the Treasury of the United States to authorize the Secretary of the Territory to pay the mileage to the members of the last Legislative Assembly for the extra session," which was

Read first time.

Council Bill No. 20, entitled "An Act changing the eastern boundary of Morris county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 21, entitled "An Act to repeal an Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of Justice," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 29, "An Act to organize the county of Orange," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 31, "An Act to amend the Code of Civil Procedure respecting appraisements of Real Property," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 32, "An Act establishing and defining the boundaries of the counties of Neosho and La Bette," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 39, "An Act to provide for the location of the county seat of Franklin county," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 3, "An Act to repeal certain laws therein named," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 7, "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial Read," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells, and legalizing his official acts and business transactions," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler,

Lambdin, Mathias, Palmer, Pricce, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 81, "An Act to change the title of the Kansas Valley Bank, Branch at Atchison," was

Read tnird time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agrced to.

Council Joint Resolution No. 2, "Declaratory of the views of the Governor and Legislature, upon the National controversy," being the order of the day,

Mr. Benton submitted the following, as a substitute for the third resolution:

Resolved, That we most respectfully recommend an adjustment of all our present difficulties on the basis proposed by the border slave States, known as the Crittenden amendment, provided that the disaffected States shall indicate a willingness to accept the same in the spirit in which it is offered.

Mr. Elder offered the following substitute for the substitute of Mr. Benton:

Resolved, That it has been been demonstrated to the world, through the operations of the Kansas-Nebraska Bill, that freedom in our National Territory was secure when unembarrassed by

the Federal Government; therefore, we most respectfully recommend that the people of the Territories be left free to form their own institutions in their own way, subject only to the Constitution of the United States.

Mr. Hendry moved to indefinitely postpone the substitute for the substitute.

Lost.

Mr. Benton moved to postpone the subject until to-morrow.

Lost.

Mr. Price moved to reconsider the vote by which the Council refused to postpone until to-morrow.

Carried.

The subject was then postponed until to-morrow.

On motion of Mr. Palmer,

The rules were suspended, and

House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,' approved February 9, 1858," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Mathias, on leave, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred House Bill No. 20, entitled "An Act to incorporate

the Lawrence University of Kansas," have had the same under consideration, and report the same back with the following amendments, and recommend its passage: Strike out the words "or near" in second line, first section, and after the word Lawrence in third line, insert "or within two miles of said city."

WM. G. MATHIAS,
J. B. WOODWARD,
CHESTER THOMAS.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the city of Lawrence;"

Also, House Bill No. 95, entitled "An Act to protect game in Leavenworth county," and respectfully request your concurrence.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

House Bill No. 128, entitled "An Act making an appropriation for the payment of the Clerk of the House for the session of 1860, for extra services," was

Read second time and

Referred to Committee on Legislative Expenditures.

Council Bill No. 44, "An Act providing for reviewing of a Territorial road from the city of Atchison to the Nebraska line," was

Read second time and

Referred to Committee on Roads and Highways.

Council Bill No. 45, "An Act providing for the reviewing and locating a Territorial road from Elwood to the Nebraska line," was

Read second time and

Referred to Committee on Roads and Highways.

Council Bill No. 46, "An Act to establish the boundary line between the counties of Leavenworth and Johnson," was

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 47, "An Act defining the western boundary of Davis county," was

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 48, "An Act to establish a Ferry across the Smoky Hill river at the mouth of Turkey Creek, in Dickinson county," was

Read second time and

Referred to Committee on Incorporations.

Council Bill No. 50, "An Act relating to Attorneys," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 51, "An Act releasing Lydia A Gorlee from any matrimonial contract existing with George Gorlee," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 52, "An Act to establish a Ferry across the Missouri river," was

Read second time and

Referred to Committee on Incorporations.

Council Bill No. 53 "An Act to divorce Lucy Van Tifflin from Schuyler Van Tifflin," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 55, "An Act to repeal certain parts of Acts therein specified," was

Read second time and

Referred to Committee on Judiciary.

On motion of Mr. Elder,

The report on House Bill No. 20, entitled "An Act to incorparate the Lawrence University of Kansas," was made a special order for to-morrow at 10 o'clock.

The President presented the following communication from the editors of the Daily Lawrence *Republican*, which

On motion of Mr. Elder,

Was ordered to be spread upon the Journal.

OFFICE LAWRENCE REPUBLICAN,
January 22d, 1861.

To the Legislative Assembly of the Territory of Kansas:

The undersigned, publishers of the Lawrence *Republican*, ackowledge the receipt, from your Honorable Body, of Joint Resolution of the Kansas Legislature, in reference to the "Daily Lawrence *Republican*," and take this opportunity respectfully to say that, while they take pleasure in acknowledging the liberality of the members of the two Houses, in their subscription to said paper, they assure them that no one of them has made one-tenth the sacrifices, in his subscription to said paper, that its proprietors are making to sustain it. They also respectfully refer them to the circular issued in regard to said paper, at the commencent of the session, in which they only propose to give faithful *abstracts* (not *reports*) of the Legislative proceedings, as well as the latest and most reliable intelligence from the States, and especially of the troubles in the South. This we *tried* to do; but while we think we have done about what we agreed to accomplish, we regret that we have been unable to do more. We have faced great difficulty in accomplishing even what we have, on account of the fact that the enterprise itself would not justify us in keeping a reporter in each House, and we were frequently unable to get access to the Journals, although the Clerks were never wanting in courtesy. Two or three times we could not see them, because they were in the hands of the person authorized to copy them for printing in Journal form.

Of course, upon reflection, your Honorable body could not expect us to give the proceedings, in *full*, as your resolution indicates, for that has never been accomplished by any paper in America, except the Washington *Globe*, under government patronage. No very accurate estimate could be made of the expense of such an undertaking, but we have no hesitation in saying that no competent printer would estimate the expense at less than two thousand dollars, while the subscription to the "*Republican*," by both Houses of the Legislature, falls short of two hundred dollars. No member of your Honorable body would take more pleasure in reading, than we would in giving them, an extensive report of their proceedings, and we shall do all we can, within our means and the patronage and facilities extended to us, to conform to the wishes of your Honorable body.

In behalf of Lawrence Republican.

Respectfully yours,

JOHN SPEER.

On motion of Mr. Benton,

House Bill No. 10, entitled "An Act to incorporate the First Congregational Church of Manhattan," was

Read second time, under suspension of rules, and

Ordered to a third reading.

Adjourned.

JOHN J. INGALLS,
Secretary.

THURSDAY, Jan. 24, 1861.
TEN O'CLOCK A. M.

Council convened.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Stewart Thomas, Woodward, Mr. President—12.

Absent—Mr. Price, excused on account of sickness.

Journal of yesterday, read and approved.

Mr. Mathias presented the petition of A. G. Rushmore, praying for a divorce, which was

Read and

Referred to Committee on Divorces.

Mr. Hendry presented the petition of Joel Grover and others, remonstrating against the passage of House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the City of Lawrence," which was

Read and

Referred to Committee on Judiciary.

Mr. Hendry presented the petition of Lydia Willoughby, praying for a divorce, which was

Read and

Referred to Committee on Divorces.

Mr. Woodward, from Committee on Legislative Expenditures, submitted the following report:

MR. PRESIDENT:—The Committee on Legislative Expenditures, to whom was referred House Bill No. 123, entitled "An Act making an appropriation for the payment of the Clerk of the House for the session of 1860, for extra services," have had the same under consideration and report it back without amendment, and recommend its passage.

J. B. WOODWARD.
JAMES M. HENDRY.
C. G. KEELER.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee to whom was referred Council Bill No. 27, "An Act in relation to divorces;"

Also, Council Bill No. 28, "An Act to repeal an Act entitled 'An Act relating to sales of real property;"

Also, Council Bill No. 33, "An Act to amend an Act entitled, 'An Act exempting certain property from sale upon execution or other process;'"

Council Bill No. 24, "An Act to amend an Act entitled 'An Act to create a lien in favor of mechanics and others;'"

Council Bill No. 36, "An Act to prevent the accruing of unnecessary costs in civil cases;"

Council Bill No. 43, "An Act to amend an Act entitled, 'An Act to establish a Code of Civil Procedure,' approved Feb. 11th, 1859;'"

Council Bill No. 35, "An Act to authorize Justices of the Peace, to issue attachments against lands and tenements in certain cases," have had the same under consideration and carefully examined and compared their provisions with the present laws, and believe the amendments and remedies therein contained would be of little or no utility, and therefore recommend their indefinite postponement.

P. P. ELDER, Ch.
WM. G. MATHIAS.

Mr. Thomas, from Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT: The Committee on Banks and Banking, to whom was referred Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas, have had the same under consideration, and report the same back with the following amendment, and recommend its passage. Add section 20, "That the said bank is hereby located at Leavenworth City, in said Territory, but the Board of Directors are hereby authorized to change its locality at any time hereafter, by giving six months' notice in any newspaper having a general circulation in said Territory."

CHESTER THOMAS, Ch'n.
WM. G. MATHIAS.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 54, "An Act legalizing a certain bond therein named," have had the same under consideration, and ask leave to report the Bill back, and recommend the passage without amendment.

P. P. ELDER, Ch'n.
WM. G. MATHIAS.
JAS. M. HENDRY.

The Judiciary Committee, to whom was referred Council Bill No. 42, "An Act legalizing certain acts of the County Clerk of Doniphan county," have had the same under consideration, and, on examination, find the provisions in the Bill too indefinite to effect the remedy sought, and so extended in its application, as to be in danger of legalizing acts of said officers which would be dangerous; therefore, ask leave to report the Bill back and recommend the adoption of a substitute, herewith submitted.

P. P. ELDER, Ch'n.
WM. G. MATHIAS.
JAS. M. HENDRY.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred Council Bill No. 52, entitled "An Act to establish a Ferry across the Missouri river," have had the same under consideration, and report the same back without amendment, and recommend its passage.

WM. G. MATHIAS.
CHESTER THOMAS.
J. B. WOODWARD.

Mr. Keeler, from Committee on Divorces, submitted the following report:

Your Committee, to whom was committed Council Bill No. 23, "An Act divorcing James P. Whitney," have had the same under consideration, and report the same back to the Council, and recommend its passage.

C. G. KEELER.
N. PRICE.
C. THOMAS.

Your Committee, to which was referred Council Bill No. 53, "An Act divorcing Lucy Van Tifflin," have had the same under consideration, and report it back to the Council without amendments, and recommend its passage.

CHAS. G. KEELER.
N. PRICE.

Your Committee, to which was referred Council Bill No. 51, "An Act divorcing Lydia A. Gorlee," have examined the petitions and report the same back to the Council without amendment, and recommend its passage.

C. G. KEELER, Ch'n.

Your Committee, to which was referred Council Bill No. —, "An Act divorcing George Lovelace and Sarah Lovelace," have had under consideration the petitions connected with the Bill, and report the same back to the Council, and recommend its passage.

CHARLES G. KEELER,
Chairman.

On motion of Mr. Mathias,

The petitions accompanying the report of the Committee on Divorces, were recommitted, with instructions to report a Bill in accordance with the prayer of the petitioners.

House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds in the City of Lawrence," was

Read first time.

House Bill No. 95, entitled "An Act to protect Game in Leavenworth county," was

Read first time.

Mr. Christison introduced Council Bill No. 62, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" which was

Read first time.

Mr. Hendry introduced Council Bill No. 63, entitled "An Act to encourage leasehold improvements," which was

Read first time.

Mr. Keeler introduced Council Bill No. 64, entitled "An Act in relation to Ferries," which was

Read first time.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 154, entitled "An Act to establish and charter a ferry across the Missouri river, at the City of Wyandott," and request your concurrence.

And have concurred in Council amendments to House Bill No. 7, entitled "An Act to declare the military road from Fort Riley

to Fort Larned a Territorial road;" and have non-concurred in Council amendments of House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells and legalizing his official acts and business transactions."

ALFRED GRAY,
Chief Clerk.

House Bill No. 20, "An Act to incorporate the Lawrence University of Kansas," being the special order for this hour,

On motion of Mr. Elder,

The Council went into Committee of the Whole, (Mr. Benton in the Chair,) for the consideration of the Bill.

After some time spent therein, the Committee arose, reported the Bill back to the Council, with amendments, and recommended its passage.

Mr. Elder moved that the report of the Committee of the Whole be disagreed to.

Lost.

The report of the Committee of the Whole was agreed to, and

The Bill ordered to a third reading.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed the following Bills, and respectfully ask your concurrence:

House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company," and

House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company."

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Thomas,

House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Elder moved that when the Council adjourn, it be until 3 o'clock P. M., and that Council Joint Resolution No. 2, "Declaratory of the views of the Governor and Legislature upon the National controversy," be the special order for that hour.

Carried.

On motion of Mr. Keeler,

Council Bill No. 13, entitled "An Act divorcing Harriet L. Parker and Howard E. Parker," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Keeler, Lambdin, Woodward, Mr. President—6.

Nays—Messrs. Christison, Stewart—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 10, "An Act to incorporate the First Congregational Church of Manhattan," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 56, "An Act to divorce David P. Metcalf from Emily Metcalf," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 57, "An Act to amend an Act to establish a Code of Civil Procedure," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 58, "An Act to provide for the permanent location of the county seat of Chase county," was

Read second time and

Referred to Committee on Counties.

Council Bill No. 59, "An Act to amend an Act creating and organizing the county of Irving," was

Read second time and

Referred to Committee on Counties.

Council Bill No. 60, "An Act for the organization, supervision and maintenance of Common Schools," was

Read second time and

Referred to Committee on Education.

Council Bill No. 61, "An Act for the relief of J. Leiby and L. S. Hall," was

Read second time and

Referred to Committee on Legislative Expenditures.

Council Joint Resolution No. 4, requesting the First Auditor of the Treasury of the United States to authorize the Secretary of the Territory to pay the mileage to the members of the last Legislative Assembly, for the extra session, was

Read second and third times.

The question being "Shall the Joint Resolution pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Joint Resolution passed.

On motion of Mr. Mathias,

House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company," was

Read first time.

On motion of Mr. Mathias,

The rules were suspended, and

The Bill read second time.

On motion of Mr. Thomas,

The rules were suspended, and

The Bill ordered to a third reading.

Mr. Mathias moved to reconsider the vote by which the Bill was ordered to a third reading.

Carried.

On motion of Mr. Mathias,

The Bill was referred to Committee on Incorporations.

On motion of Mr. Woodward,

House Bill No. 128, entitled "An Act making an appropriation for the Clerk of the House, for extra services, in 1860," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Mathias, Palmer, Stewart, Thomas, Woodward—10.

Nays—Mr. President.

And so the Bill passed.

The title was agreed to.

Mr. Thomas, on leave introduced Council Bill No. 65, entitled "An Act to establish a Territorial Road from the residence of Judge Wakefield, in Douglas County, westward, by way of Williamsport, to Auburn, in Shawnee county," which was

Read first and second times and

Referred to Committee on Roads.

Adjourned.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

President in the chair.

Quorum present.

Council Joint Resolution No. 2, declaratory of the views of the Governor and Legislature upon the National controversy, being the special order for this hour,

By consent of Council the special order was postponed.

Report of Committee on Council Bill No. 3, entitled "An Act to extend the time for paying taxes," was agreed to and the Bill ordered to a third reading.

On motion of Mr. Benton,

Council Bill No. 37, entitled "An Act imposing a tax upon a Ferry privilege," was laid upon the table and ordered to be printed.

On motion of Mr. Elder,

House Bills were ordered to be laid on the table.

Council Joint Resolution No. 3, "Declaratory of the position of Kansas in the pending crisis," was ordered to a third reading.

House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company," was

Read first time.

House Bill No. 154, entitled "An Act to establish a Ferry across the Missouri river, at the city of Wyandott," was

Read first time.

The report of the Committee on Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas," was agreed to and ordered to be printed.

Mr. Thomas, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committtee on Roads have examined Council Bill No. 65, "An Act establishing a Territorial Road from the residence of Judge Wakefield, in Douglas county, westward, via Williamsport, to Auburn, in Shawnee county," and beg leave to report the Bill back, without amendment, and recommend its passage.

M. R. BENTON.
WM. G. MATHIAS.
CHESTER THOMAS.

On Motion of Mr. Thomas,

Council Bill No. 65, entitled, "An Act to establish a Territo-

rial Road from the residence of Judge Wakefield, in Douglas county, westward, by the way of Williamsport, to Auburn, in Shawnee county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President.

Nays—none.

And so the Bill passed.

The title was agreed.

On motion of Mr. Benton,

Council Joint Resolution No. 2, "Declaratory of the views of the Governor and Legislature upon the National controversy," was taken up for consideration.

Mr. Elder, on leave, withdrew his substitute to the substitute of Mr. Benton, for the third resolution, and offered the following in its stead:

Resolved, That (as a people of a Territory long and assiduously struggling to be free,) We believe, with the founders of the Republic, that governments derive their just powers from the consent of the governed, and that it is proper that the people of an organized Territory should be permitted to elect their own officers and enact their own laws, free from Congressional or Executive control.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Reprcsentatives have passed the following Bills, and request your concurrence:

House Bill No. 99, entitled "An Act legalizing the assessment of taxes in the City of Lawrence, and for the sale of certain property by said city of Lawrence to the county of Douglas."

House Bill No. 12, entitled "An Act to declare the Smoky Hill road from Fort Riley to Denver City and Colorado City a Territorial Road and Public Highway."

House Bill No. 46, entitled "An Act to amend an Act to incorporate the Kansas Central Telegraph Company," approved February 11, 1859.

House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public."

House Bill No. 44, entitled "An Act to legalize the official acts of certain persons therein named."

House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon Execution or other process,'" approved February 7, 1859.

House Bill No. 16, "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved Feb. 11, 1859.

House Bill No. 83, "An Act for the encouragement of the manufacture of Wine," and

House Bill No. 8, "An Act to declare the military road from Fort Riley to Fort Wise a Territorial road."

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

The further consideration of the subject was postponed until three o'clock P. M., to-morrow.

Adjourned.

JOHN J. INGALLS,
Secretary.

FRIDAY, January 25, 1861,
TEN O'CLOCK A. M.

Council convened.

Prayer by the Chaplain.

Present—Messrs. Benton, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Mr. President—9.

Absent—Messrs. Christison, Elder, Thomas, Woodward—4.

Journal of yesterday read and approved.

Mr. Hendry presented the petition of Charles Willemsen and one hundred and one others, praying for the passage of House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the City of Lawrence," which was read and

Referred to Committee on Judiciary.

Mr. Hendry, from Committee on Counties and County Lines, submitted the following report:

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 47, entitled "An Act to define the western boundary of Davis county," having had the same under consideration, report the same back, without amendment, and recommend its passage.

JAMES M. HENDRY.

Mr. Palmer, from Committee on Ways and Means, submitted the following report:

MR. PRESIDENT:—The Committee on Ways and Means, to whom was referred Council Bill No. 41, "An Act to release the Treasurer of Doniphan county from the collection of certain taxes," have had the same under consideration, and beg leave to report the accompanying substitute, and recommend its passage.

L. R. PALMER, Ch.
C. G. KEELER.
J. B. WOODWARD.

Mr. Price, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Council Bill No. 3, entitled "An Act to extend the time for paying taxes," and find it correctly engrossed.

N. PRICE.
WM. G. MATHIAS.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred House Bill No. 102, "An Act entitled 'An Act to change the name of the Cinnabar Mining Company,'" have had the same under consideration, and report the same back without amendment, and recommend its passage.

WM. G. MATHIAS.

Mr. Mathias moved that the Council insist upon its amend-

ment to House Bill No. 32, entitled "An Act changing the name of Abraham Lawsing to John Wells."

Carried.

House Bill No. 8, entitled "An Act to declare the Military road from Fort Riley to Fort Wise a Territorial road," was

Read first time.

House Bill No. 12, entitled "An Act to declare the Smoky Hill Road, from Fort Riley to Denver City and Colorado City, a Territorial road and public highway," was

Read first time.

House Bill No. 14, entitled "An Act additional to An Act entitled 'An Act respecting Notaries Public,'" was

Read first time.

House Bill No. 16, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved Feb. 11, A. D. 1859,

Read first time.

House Btll No. 44, entitled "An Act to legalize the official acts of certain persons therein named," was

Read first time.

House Bill No. 46, entitled "An Act to amend 'An Act to Incorporate the Kansas Central Telegraph Company," approved February 11th, 1859, was

Read first time.

House Bill No. 83, entitled "An Act for the encouragement of the manufacture of wine,"

Read first time.

House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" approved February 7, 1859,

Read first time.

House Bill No. 99, entitled "An Act legalizing the assessment of taxes in the city of Lawrence, and for the sale of certain property by said city of Lawrence to the county of Douglas," was

Read first time, and

On motion of Mr. Hendry,

The rules were suspended and

The Bill read a second time and

Referred to Committee on Judiciary.

Mr. Keeler introduced Council Bill No. 66, entitled "An Act to Divorce Andrew J. Rushmore and Caroline Rushmore," which was.

Read first time.

Also, Council Bill No. 67, entitled "An Act Divorcing Richard Willoughby and Sophronia Willoughby," which was

Read first time.

Also, Council Bill No. 68, entitled "An Act Divorcing George W. Lovelace and Sarah Lovelace," which was

Read first time.

Mr. Price introduced Council Bill No. 69, entitled "An Act to extend an Act over Doniphan county, entitled 'An Act defining the mode of laying out and establishing roads,'" which was

Read first time.

Mr. Stewart introduced Council Bill No. 70, entitled "An Act to incorporate the Pacific Lodge No. 29 of Ancient Free and Accepted Masons," which was

Read first time.

Also, Council Bill No. 71, entitled "An Act to incorporate the Chetopa Town Company," which was

Read first time.

Mr. Hendry introduced Council Bill No. 72, entitled "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of Breach of the Peace,'" approved February 10th, 1860, which was

Read first time.

Also, Council Bill No. 73, entitled "An Act concerning Mortgages of Real Estate," which was

Read first time.

Mr. Hendry offered the following resolution, which was adopted

Resolved, That the Council will pass no more House Bills until the House pass a reasonable portion of the Council Bills now in their possession.

Council Bill No. 3, "An Act to extend the time for paying taxes," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 20, "An Act to incorporate the Lawrence University of Kansas," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Palmer, Stewart, Woodward, Mr. President.—9.

Nays—Messrs. Mathias and Price—2.

And so the Bill passed.

The title was agreed to.

Council Joint Resolution No. 3, declaratory of the position of Kansas in the pending political crisis, was

Read third time.

The question being "Shall the Joint Resolution pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—12.

Nays—none.

And so the Joint Resolution passed.

The title was agreed to.

Council Bill No. 62, entitled "An Act to amend an Act entitled, 'An Act to incorporate the Blue River Bridge Company,'" was

Read second time and

Referred to Committee on Incorporations.

Councill Bill No. 63, "An Act to encourage and protect leasehold improvements," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 64, "An Act in relation to Ferries," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 74, "An Act to abolish the office of Register of Deeds of the City of Lawrence," was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 95, "An Act to protect game in Leavenworth County," was

Read second time and

Referred to Committee on Agriculture.

House Bill No. 103, "An Act to incorporate the Suffolk Mining Company," was

Read second time and

Referred to Committee on Incorporations.

House Bill No. 154, "An Act to establish and charter a Ferry across the Missouri river at the City of Wyandott," was

Read second time and

Referred to Committee on Incorporations.

The report of the Committee on Council Bill No. 27, "An Act relating to Divorces," was

Agreed to, and

The Bill indefinitely postponed.

The report of the Committee on Council Bill No. 28, "An Act to repeal an Act entitled 'An Act relating to sales of real property,'" was

Agreed to, and

The Bill indefinitely postponed.

The report of the Committee on Council Bill No. 33, "An Act to amend an Act exempting certain property from sale upon execution or other process," was

Agreed to, and

The Bill indefinitely postponed.

The report of the Committee on Council Bill No. 24, "An Act to amend an Act entitled 'An Act to create a lien in favor of mechanics and others,'" was

Agreed to, and

The Bill indefinitely postponed.

The yeas and nays being demanded on the question of agreeing to the report of the Committee on Council Bill No. 23, entitled "An Act to divorce James P. Whitney and Harriet N. Whitney," and ordering the Bill to a third reading, the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Keeler, Lambdin, Price, Thomas, Woodward, Mr. President—8.

Nays — Messrs. Christison, Hendry, Mathias, Palmer, Stewart—5.

And so the report was agreed to, and

The Bill ordered to a third reading.

The report of the Committee on Council Bill No. 35, "An Act to authorize Justices of the Peace to issue attachments against lands and tenements in certain cases," was

Agreed to, and

The Bill indefinitely postponed.

The report of the Committee on Council Bill No. 36, "An Act to prevent the accruing of unnecessary costs in civil cases," was

On motion of Mr. Price,

Disagreed to, and

Bill recommitted to Committee on Judiciary.

The report of the Committee on Council Bill No. 42, "An Act legalizing certain acts of the county clerk of Doniphan county," was

Agreed to, and

The Bill ordered to be read a third time.

The report of the Committee on Council Bill No. 43, "An Act

to amend an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved February 11th, 1859, was

Agreed to, and

The Bill indefinitely postponed.

The Council refused to agree to the report of Committee on Council Bill No. 51, "An Act releasing Lydia A. Gorlee from any matrimonial contract existing with George Gorlee," and

The Bill was lost.

Council Bill No. 52, "An Act to establish a Ferry across the Missouri river," was

Ordered to a third reading.

Council Bill No. 53, "An Act to divorce Lucy Van Tifflin from Schuyler Van Tifflin," was

Ordered to a third reading.

Council Bill No. 54, "An Act legalizing a certain bond therein named," was,

On motion of Mr. Hendry,

Ordered to be read a third time now.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Substitute to Council Bill No. 41, as reported by Committee on Ways and Means, was

Laid upon the table, and

Ordered to be printed.

Adjourned.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

President in the chair.

Quorum present.

Message from the House:

MR. PRESIDENT: I am directed to notify the Council that the House of Representatives have passed House Bill No. 150, "An Act to incorporate the town of Garnett," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Council Joint Resolution No. 2, declaratory of the views of the Governor and Legislature upon the National controversy, being the special order for this hour,

Mr. Palmer moved to postpone its further consideration until three o'clock to-morrow.

Lost.

The question being upon the adoption of the substitute offered by Mr. Elder, for the substitute offered by Mr. Benton,

The yeas and nays were demanded, and the vote resulted as follows:

Yeas—Messrs. Elder, Price, Thomas—3

Nays—Messrs. Benton, Christison, Hendry, Keeler, Mathias, Palmer, Stewart, Mr. President—8.

And so the substitute was lost.

The question recurring on the adoption of the substitute offered by Mr. Benton,

The yeas and nays were demanded, and the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Stewart—6.

Nays—Messrs. Elder, Hendry, Price, Thomas, Mr. President—5.

And so the substitute was adopted.

Mr. Price moved to adjourn.

Lost.

On motion of Mr. Hendry,

A call of the House was ordered, and the Sergeant-at-Arms was sent for the absentees: Messrs. Lambdin and Woodward.

On motion of Mr. Mathias,

The further proceedings under the call were dispensed with.

Adjourned.

JOHN J. INGALLS,
Secretary.

SATURDAY, Jan. 26, 1861,
TEN O'CLOCK A. M.

Council convened.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Journal of yesterday read and approved.

The question being on ordering Council Joint Resolution No. 2 to a third reading,

Mr. Palmer moved to postpone until Monday.

Carried.

Mr. Woodward, from Committee on Legislative Expenditures, submitted the following report:

MR. PRESIDENT:—The Committee on Legislative Expenditures, to whom was referred Council Bill No. 49, entitled "An Act making an appropriation for paying the salary and other expenses allowed by law to the Territorial Superintendent of Common Schools;"

Also, Council Bill No. 61, entitled "An Act for the relief of J. Leiby and L. S. Hall," have had the same under consideration, and report them back, without amendment, and recommend their passage.

J. B. WOODWARD, Ch.
JAMES M. HENDRY.
CHAS. G. KEELER.

House Bill No. 150, entitled "An Act to incorporate the town of Garnett," was

Read first time, and,

On motion of Mr. Elder,

The rules were suspended,

The Bill read second time and

Referred to Committee on Incorporations.

Mr. Palmer introduced Council Bill No. 74, entitled "An Act to amend an Act entitled 'An Act relating to Counties and County Officers,'" approved February 25, 1850, which was

Read first time.

Mr. Elder introduced Council Bill No. 75, entitled "An Act to amend an Act relating to Counties and County Officers," which was

Read first time.

Mr. Price introduced Council Bill No. 76, entitled "An Act to amend the charter of the City of Elwood," which was

Read first time.

Mr. Elder introduced Council Bill No. 77, entitled "An Act defining the boundaries of Franklin, Douglas, Leavenworth, Jefferson and —— counties," which was

Read first time.

Mr. Palmer introduced Council Bill No. 78, entitled "An Act providing for the approving Official Bonds in certain cases," which was

Read first time.

Mr. Keeler introduced Council Bill No. 79, entitled "An Act divorcing Melissa Hoover from Sylvester Hoover," which was

Read first time.

Also, Council Bill No. 80, entitled "An Act divorcing Anna A. Morton and William A. Morton," which was

Read first time.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 24, "An Act to incorporate the City of Marysville;"

House Bill No. 107, "An Act to legalize certain official acts of T. Elwood Smith," and request your concurrence.

And that the House have concurred in Council amendments to to House Bill No. 20, "An Act to incorporate the Lawrence University of Kansas."

ALFRED GRAY,
Chief Clerk.

Council Bill No. 23, "An Act to divorce James P. Whitney and Harriet N. Whitney," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Keeler, Price, Thomas, Woodward, Mr. President—7.

Nays—Messrs. Christison, Hendry, Mathias, Palmer, Stewart —5.

And so the Bill passed.

The title was agreed to.

Council Bill No. 42, "An Act legalizing certain acts of the County Clerk of Doniphan county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted a follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 52, "An Act to establish a Ferry across the Missouri river," was

Read tnird time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—3.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 53, "An Act to divorce Lucy Van Tifflin from Schuyler Van Tifflin," was laid upon the table until Monday.

Council Bill No. 66, "An Act to divorce Andrew J. Rushmore and Caroline Rushmore," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 67, "An Act divorcing Richard Willoughby and Sophronia Willoughby," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 69, "An Act to extend an Act over Doniphan county entitled 'An Act defining the mode of laying out and establishing roads,'" was

Read second time and

Referred to Committee on Roads.

Council Bill No. 70, "An Act to incorporate Pacific Lodge No. 29 of Ancient Free and Accepted Masons," was

Read second time and

Referred to Committee on Incorporations.

Council Bill No. 71, "An Act to incorporate the Chetopa Town Company," was

Read second time and

Referred to Committee on Incorporations.

Council Bill No. 72, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace, in cases of breach of the peace,' approved February 10, 1860," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 73, "An Act concerning mortgages of real estate," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 47, "An Act to define the western boundary of Davis county," was, under suspension of rules,

On motion of Mr. Woodward,

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Stewart, on leave, introduced Council Bill No. 81, entitled "An Act to incorporate the Medary Town Company, and to authorize the construction of a Mill Dam," which [was]

Read first time.

Mr. Woodward introduced the following resolution, which was adopted:

Resolved, That the acting Governor of the Territory of Kansas and the Governor elect of the future State of Kansas be and and are hereby invited to seats within the bar of this Council.

On motion of Mr. Stewart,

The Council went into Committee of Whole on Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas."

Mr. Stewart in the chair.

After some time spent therein, the Committee arose, reported the Bill back with amendments and recommend its passage.

Mr. Elder moved to adjourn.

Lost.

On motion of Mr. Palmer,

The further consideration of the Bill was postponed until Monday morning at 10 o'clock.

Mr. Palmer offered the following concurrent resolution, which was adopted:

Resolved, By the Council, (the House concurring), That the Enrolling Clerk is hereby directed, to strike out 1860 in the second line of an Act, entitled "An Act to provide for the permanent location of the seat of justice in Pottawattamie county," and to insert in lieu thereof "1861."

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred House Bill No. 74, "An Act to abolish the office of Register of Deeds of the City of Lawrence," have had the same under consideration, and have examined the remonstrances and petitions, and ask leave to report the Bill back without recommendation.

P. P. ELDER.
WM. G. MATHIAS.

Adjourned.

JOHN J. INGALLS,
Secretary.

MONDAY, January 28, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Present—Messrs. Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Mr. President—11.

Absent—Messrs. Benton and Woodward.

Journal of Saturday read and approved.

Message from the House of Representatives:

MR. PRESIDENT: I am directed to notify your honorable body that the House of Representatives have passed the following concurrent resolution:

Resolved, by the House of Representatives (the Council concurring), That a Committee of three on the part of the House and two on the part of the Council be appointed to prepare a memorial to the several Legislatures of the Western and Northern States, now in session, asking relief for the people of Kansas, with especial reference to procuring spring wheat, corn and potatoes for seed.

Committee on part of the House, Messrs. Lines, Snoddy, Reynolds.

Also, House Bill No. 42, "An Act defining the Southern Boundary Line of Breckinridge county, and for other purposes."

House Bill No. 66, "An Act to detach that portion of township two, in range eight, lying and being in Davis county, from said Davis county and attach the same to Riley county."

House Bill No. 141, "An Act to incorporate a Ferry across the Missouri river."

House Bill No. 54, "An Act to legalize the acts of N. C. Blood, acting Justice of the Peace in the township of Palmyra, Douglas county, Kansas," and respectfully ask your concurrence.

The House have, also, concurred in the concurrent resolution of the Council, directing the Enrolling Clerk to strike out "1860" in the second line of "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," and insert in lien thereof "1861."

ALFRED GRAY,
Chief Clerk.

Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas," being the special order for this hour,

Mr. Mathias moved, to recommit the Bill to the Committee of the Whole.

Mr. Elder moved, as an amendment, to recommit the Bill to the Committee on Incorporations.

Lost.

The motion of Mr. Mathias then prevailed, and

The Council went into Committee of the Whole in consideration of the Bill.

Mr. Palmer in the chair.

After some time spent therein, the Committee arose, reported the Bill back with sundry amendments, and recommended its passage.

Agreed to.

Mr. Elder moved to amend the Bill by inserting the words "capital stock of the Bank in circulation," in section 18, after the word "bank" at the end of line first.

Mr. Mathias moved, as a substitute, that the Bill be engrossed and ordered to a third reading at once.

Carried.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Mathias, Palmer, Price, Thomas, Woodward—7.

Nays—Messrs. Benton, Elder, Hendry, Lambdin, Stewart and Mr. President—6.

And so the Bill passed.

The title was agreed to.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred Council Bill No. 70, entitled "An Act to incorporate Pacific Lodge No. 29, of Ancient, Free and Accepted Masons;" and, also, Council Bill No. 48, entitled "An Act to establish a Ferry across the Smoky Hill river at the mouth of Turkey Creek, in Dickinson county," have had the same under consideration, and report the same back without amendment and recommend their passage.

WM. G. MATHIAS, Ch'n.
CHESTER THOMAS.

MR. PRESIDENT: The Committee on Incorporations, to whom was referred Council Bill No. 62, entitled "An Act to amend an Act to incorporate the Blue River Bridge Company," have had the same under consideration, and report it back with the following amendment, and recommend its passage: Strike out in section first, eleventh line, the words "this Act," and insert the words "the Act to which this is amendatory."

WM. G. MATHIAS, Ch'n.
CHESTER THOMAS.

Mr. Woodward, from Committee on Education, submitted the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Council Bill No. 60, entitled "An Act for the organization, supervision and maintenance of Common Schools," have had the same under consideration, and report it back with the following amendments and recommend its passage: Strike out part of the fourth, fifth and sixth lines in section five; strike out part of the seventh, eighth and ninth lines in section seventeen; amend section thirty-four, by inserting the word "male" before "person," in first line, and strike out the words "a householder or freeholder and," in second and third lines; amend section forty, by striking out the word "inhabitants," in first line, and inserting "persons." In section fifty-six, strike out the words "his office," in last line, and insert "the office of the Clerk." In section sixty-seven, strike out the *proviso*. Strike out the whole of section sixty-eight. Amend section seventy-one, by striking out the words "tribunal transacting county business," in third line, and inserting "Board of County Commissioners." In section seventy-four, strike out, in the third and fourth lines, the words "by the best evidence in the power of the County Superintendent," and insert the words "ascertained by the last pre-

ceding assessment roll;" also, amend section eighty-one, by inserting the word "personal," before the word "property," in twelfth line.

J. B. WOODWARD,
WM. G. MATHIAS,
L. R. PALMER,

Mr. Stewart, from Committee on Agriculture, submitted the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred House Bill No. 95, "An Act to protect game in Leavenworth county," having had the same under consideration, beg leave to report the same back as committed, and recommend its passage.

WATSON STEWART.
J. C. LAMBDIN.
J. M. CHRISTISON.

Mr. Hendry, from Committee on Counties, submitted the following reports:

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 59, entitled "An Act creating and organizing the county of Irving," having had the same under consideration, report the same back without amendment, and recommend its passage.

JAS. M. HENDRY.
CHESTER THOMAS.
CHAS. G. KEELER.

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 58, entitled "An Act to provide for the permanent location of the county seat of Chase county," having had the same under consideration, report it back without amendment, and recommend its passage.

JAMES M. HENDRY.
CHESTER THOMAS.
CHAS. G. KEELER.

On motion of Mr. Benton,

The Council concurred in House Resolution, in regard to memorializing Western and Northern Legislatures, for the relief of the people of Kansas, with especial reference to procuring spring wheat, corn and potatoes, for seed.

Committee—Messrs. Benton and Lambdin.

Mr. Keeler introduced Council Bill No. 82, entitled "An Act Divorcing Rosanna Murphy and Edward Murphy," which was

Read first time.

Mr. Elder introduced Council Bill No. 83, entitled "An Act defining the duties of the Treasurer of the Territory of Kansas, in certain cases," which was

Read first time.

Also, Council Bill No. 84, entitled "An Act requiring the Territorial Auditor to issue warrants in certain cases, and for other purposes," which was

Read first time.

House Bill No. 24, entitled "An Act to incorporate the city of Marysville," was

Read first time.

House Bill No. 42, entitled "An Act defining the southern boundary line of Breckinridge county, and other purposes," was

Read first time.

House Bill No. 54, entitled "An Act to legalize the acts of N. C. Blood, Acting Justice of the Peace in the township of Palmyra, in Douglas county," was

Read first time.

House Bill No. 66, entitled "An Act to detach that portion of township ten in range eight, lying and being in Davis county, from said Davis county, and to attach the same to Riley county," was

Read first time.

House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith," was

Read first time.

House Bill No. 141, entitled "An Act to incorporate a Ferry across Grasshopper river," was

Read first time.

Mr. Elder introduced the following preamble and resolution, which was adopted:

WHEREAS, The Treasurers of the several counties of this Territory have adopted the practice of transferring the certificates of redemption of lands, sold to and bid off by the counties for taxes, to persons, and taking their pay in County Scrip for the entire amount of the taxes, whether Territorial, County, School or District, thereby depriving the several Townships and School Districts of the tax due them, rendering it impossible for such township or School District to even avail themselves of the amount of delinquent taxes due them; therefore,

Resolved, That the Committee on Ways and Means be directed to examine the tax laws of this Territory and see what Legislation, if any, is necessary to prevent the further perpetration of the abuse referred to, and report by Bill, or otherwise, at their earliest convenience.

Mr. Benton introduced Council Joint Resolution No. 5, which was

Read first time.

Mr. Elder, on leave, presented petition of James H. Brown against Chloe Brown praying for divorce;

Petition of J. G. Loring praying for divorce;

Petition of Jacob Bollman and seventy-five others praying for the change of county lines of Douglas and Franklin counties, which were

Read and

Referred to their appropriate Committees.

Council Bill No. 53, "An Act divorcing Lucy Van Tifflin and Schuyler Van Tifflin," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

Mr. Stewart offered a substitute for Council Joint Resolution No. 2, which,

On motion of Mr. Mathias,

Was ordered to be printed.

Mr. Elder offered a substitute for the substitute offered by Mr. Stewart, which was

Ordered to be printed.

On motion of Mr. Mathias,

Council Joint Resolution No. 5 was

Ordered to be printed.

Council Bill No. 74, "An Act to amend an Act entitled 'An Act relating to counties and county officers,' approved February 25th, 1860," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 75, "An Act to amend an Act entitled 'An Act relating to counties and county officers,'" was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 76, "An Act to amend the charter of the city of Elwood," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 77, "An Act defining the boundaries of Franklin, Douglas, Leavenworth and Jefferson counties," was

Read second time and

Referred to Committee on Counties.

Council Bill No. 78, "An Act providing for the approving official bonds in certain cases," was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 79, "An Act divorcing Melissa Hover from Sylvester Hover," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 80, "An Act divorcing Anna A. Morton and William A. Morton," was

Read second time and

Referred to Committee on Divorces.

Council Bill No. 81, "An Act to incorporate the Medary Town Company, and to authorize the construction of a mill-dam," was

Read second time and

Referred to Committee on Incorporations.

On motion of Mr. Benton,

The Council went into Committee of the Whole for the consideration of Council Bill No. 37, "An Act imposing a tax upon a Ferry privilege."

Mr. Keeler in the chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again.

Agreed to.

On motion of Mr. Price,

The Council adjourned until three o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

President in the chair.

Quorum present.

On motion of Mr. Mathias,

The Council went into Committee of the Whole for the consideration of Council Bill No. 37, "An Act imposing a tax on a Ferry privilege."

Mr. Woodward in the Chair.

After some time spent therein, the Committee arose, reported the Bill back, with sundry amendments, and recommended its passage.

Agreed to.

On motion of Mr. Mathias,

Council Bill No. 37, entitled "An Act imposing a Tax upon a Ferry privilege," was

Ordered to a third reading.

Report of Committee on Council Bill No. 41, "An Act to release the several counties of this Territory from the payment of certain Taxes," was

Agreed to, and

The Bill ordered to be read a third time.

Council Bill No. 49, "An Act making an appropriation for paying the salary and other expenses allowed by law, of the Territorial Superintendent of Common Schools," was

Ordered to be read a third time.

Council Bill No. 61, "An Act for the relief of J. Leiby and L. S. Hall," was

Ordered to a third reading.

House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the City of Lawrence," was

Ordered to a third reading.

Mr. Keeler, on leave, introduced Council Bill No. 85, entitled "An Act to incorporate the town of Shawnee," which was

Read first and second times, and

Referred to Committee on Incorporations.

Adjourned.

JOHN J. INGALLS,
Secretary.

TUESDAY, January 29, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Journal of yesterday read and approved.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 8, "An Act to amend an Act entitled 'An Act regulating the fees of Officers, Jurors and Witnesses,'" approved February 11, 1859, have had the same under consideration, and ask leave to report a substitute, herewith submitted, and recommend its passage.

P. P. ELDER, Ch'n.
JAS. M. HENDRY.

Mr. Keeler, from Committee on Divorces, submitted the following reports:

MR. PRESIDENT:—Your Committee, to which was referred Council Bills Nos. 66 and 67, have had the same under consideration, and report the Bills back to the Council, and recommend their passage.

C. G. KEELER.

MR. PRESIDENT:—Your Committee, to which was referred Council Bill No. 68, have had the same under consideration, and report the Bill back to the Council, and recommend its passage.

C. G. KEELER.
N. PRICE.
C. THOMAS.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee to whom was referred Council Bill No. 78, "An Act providing for the approving of Official Bonds in certain cases;"

Council Bill No. 57, "An Act repealing an Act to establish a Code of Civil Procedure;"

Council Bill No. 55, "An Act to repeal certain parts of Acts therein named;"

Council Bill No. 50, "An Act to amend an Act entitled 'An Act relating to Attorneys.'"

Council Bill No. 64, "An Act in relation to Ferries;"

Council Bill No. 74, "An Act to amend an Act relating to Counties and County Officers," approved Feb. 25, 1860, have had the same under consideration, and ask leave to report the same back, and recommend their indefinite postponement.

P. P. ELDER, Ch'n.
WM. G. MATHIAS.
JAS. M. HENDRY.

Mr. Keeler, from Committee on Divorces, submitted the following reports:

MR. PRESIDENT:—Your Committee, to which was referred Council Bill No. 80, "An Act divorcing Anna A. Morton;"

Also, Council Bill No. 79, "An Act divorcing Melissa Hoover," report the Bills back to the Council, requesting the petitions to be read in presence of the Council.

CHAS. G. KEELER.
N. PRICE.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company," have had the same under consideration, and report the same back, without amendment, and recommend its passage.

WM. G. MATHIAS.
CHESTER THOMAS.
J. B. WOODWARD.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 62, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of breach of the peace,'" approved February 10, 1859, have had the same under consideration, and ask leave to report the Bill back, and recommend its passage, with the following amendment:

Seventh line, after "Justice," insert "from the testimony before him."

Also, Council Bill 73, "An Act concerning Mortgages of Real Estate," report the same back, and recommend that it be postponed.

P. P. ELDER.
JAMES M. HENDRY.
WM. G. MATHIAS.

Mr. Price, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Council Bill No. 37, entitled "An Act imposing a tax upon a Ferry privilege;" also, Council Bill No. 61, entitled "An Act for the relief of J. Leiby and L. S. Hall;" also,

Council Bill No. 41, entitled "An Act to release the several counties of this Territory from the payment of certain taxes," and find them correctly engrossed.

N. PRICE.
WM. G. MATHIAS.
WATSON STEWART.

Mr. Benton, from Committee on Roads, submitted the following report:

MR. PRESIDEET :—Your Committee on Roads, have examined Council Bill No. 44, "An Act to locate a Territorial Road from the City of Atchison to White Cloud," beg leave, to report the Bill back with the following amendments and recommend its passage: Add to section one, "and the said board of commissioners shall each receive the sum of three dollars per day, for their services, to be paid by the counties of Atchison and Doniphan, in equal proportions, to the actual expense per mile, each county paying for the portion of said service in their respective counties."

M. R. BENTON.
WM. G. MATHIAS.
CHESTER THOMAS.

Mr. Elder, from Committee on Judiciary, submitted the following reports:

The Judiciary Committee, to whom was referred Council Bill No. 76, "An Act to amend the charter of the City of Elwood," have had the same under consideration, and ask leave to report the Bill back and recommend its passage, with the following amendment: Strike out second section.

P. P. ELDER.
JAMES M. HENDRY.
WM. G. MATHIAS.

The Judiciary Committee, to whom was referred House Bill No. 99, "An Act legalizing the assessment of taxes in the City of Lawrence, and the sale of certain property by said City of Lawrence to the County of Douglas," have had the same under consideration, and ask leave to report the Bill back and recommend its passage without amendment.

P. P. ELDER.
JAMES M. HENDRY.
WM. G. MATHIAS.

Mr. Thomas introduced Council Bill No. 86, entitled "An Act divorcing Almira A. Shaff and Joseph Shaff," which was

Read first time.

Mr. Stewart introduced Council Bill No. 87, entitled "An Act appropriating three hundred dollars," which was

Read first time.

Mr. Keeler introduced Council Bill No. 88, entitled "An Act in regard to County Bonds," which was

Read first time.

Mr. Palmer offered the following resolution, which was adopted:

Resolved, That hereafter all Bills and Joint Resolutions, reported by Committees, lie one day on the table, and be printed with the accompanying reports, unless otherwise ordered by the Council.

On motion of Mr. Mathias,

Council Joint Resolution No. 2, and its substitutes, was made special order for 10 o'clock to-morrow morning.

Council Bill No. 37, "An Act imposing a tax upon a Ferry privilege," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias, Palmer, Price, Thomas, Woodward—9.

Nays—Messrs. Hendry, Lambdin, Stewart, Mr. President—4.

And so the Bill passed.

On motion of Mr. Benton,

The title was amended by adding "and extending the charter."

The title as amended, was agreed to.

Council Bill No. 41, "An Act to release the several counties of this Territory from the payment of certain taxes," was

Ordered to a third reading.

On motion of Mr. Price,

The vote was reconsidered, and the Bill postponed until to-morrow.

Council Bill No. 49, "An Act making an appropriation for paying the salary and other expenses allowed by law, of the Territorial Superintendent of Common Schools," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

So the Bill passed.

The title was agreed to.

Council Bill No. 61, "An Act for the relief of J. Leiby and L. S. Hall," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, —12.

Nays—Mr. President.

And so the Bill passed.

The title was agreed to.

Council Bill No. 82, "An Act divorcing Rosanna Murphy and Edward Murphy," was

Read second time, and

Referred to Committee on Divorces.

Council Bill No, 83, "An Act defining the duties of the Treasurer of the Territory of Kansas, in certain cases," was

Read second time, and

Referred to Committee on Ways and Means.

Council Bill No. 84, "An Act requiring the Territorial Auditor to issue warrants in certain cases, and for other purposes," was

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 48, "An Act to establish a Ferry across the Smoky Hill river, at the mouth of Turkey creek, in Dickinson county," was

Ordered to a third reading.

Council Bill No. 58, "An Act to provide for the permanent location of the county seat of Chase county," was

Ordered to a third reading.

Council Bill No. 59, "An Act to amend an Act creating and organizing the county of Irving," was

Ordered to a third reading.

Council Bill No. 60, "An Act for the organization, supervision and maintenance of Common Schools," was,

On motion of Mr. Hendry,

Laid upon the table and

Ordered to be printed.

Report of Committee on Council Bill No. 62, "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" was

Agreed to, and

The Bill ordered to be engrossed and

Read a third time.

Council Bill No. 70, "An Act to incorporate Pacific Lodge No. 29, of Ancient Free and Accepted Masons," was

Ordered to a third reading.

The report of the Committee on Council Bill No. 76, entitled "An Act to amend the Charter of the City of Elwood," was

Agreed to, and the Bill,

On motion of Mr. Price, was

Recommitted to Committee on Judiciary.

The report of the Committee on Council Bill No. 73, entitled "An Act concerning Mortgages of Real Estate," was

Agreed to, and

The Bill ordered to be printed.

On motion of Mr. Elder,

The order was suspended, and

House Bill No. 103, entitled "An Act to Incorporate the Suffolk Mining Company," was

Ordered to be read a third time.

Mr. Hendry moved that the order be suspended, and

House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds in the City of Lawrence," be

Read third time.

Lost.

Report of Committee on Council Bill No. 74, entitled "An Act to amend an Act entitled 'An Act relating to Counties and County officers,'" approved February 6th, 1860, was

Agreed to, and

The Bill indefinitely postponed.

Report of Committee on Council Bill No. 64, entitled "An Act relating to Ferries," was

Agreed to, and

The Bill indefinitely postponed.

The question being on agreeing to the report of the Committee on Council Bill No. 50, entitled "An Act to amend An Act relating to Attorneys."

The yeas and nays were demanded.

The vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Mathias, Thomas—4.

Nays—Messrs. Benton, Christison, Keeler, Lambdin, Price, Stewart, Woodward, Mr. President—8.

And so the report of the Committee was not agreed to.

On motion of Mr. Keeler,

The Bill was referred to a Select Committee, consisting of Messrs Keeler, Mathias and Price.

Adjourned.

JOHN J. INGALLS,
Secretary.

WEDNESDAY, Jan. 30, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Mr. President—12.

Absent—Mr. Woodward.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred Council Bill No. 85, entitled "An Act to incorporate the inhabitants of Shawnee in Johnson county, Kansas," have had the same under consideration, and report the same back without amendment, and recommend its passage.

WM. G. MATHIAS, Ch'n.
CHESTER THOMAS.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill No. 49, "An Act making an appropriation for paying the salary and other expenses, allowed by law, of the Territorial Superintendent of Common Schools," and find it correctly enrolled.

WATSON STEWART,
Chairman.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT: The Committee on Incorporations, to whom was referred Council Bill No. 81, entitled "An Act to incorporate the Medary Town Company, and to authorize the construction of a mill-dam," have had the same under consideration, and report the same back without amendment, and recommend its passage.

WM. G. MATHIAS, Ch'n.
J. B. WOODWARD.
CHESTER THOMAS.

Mr. Keeler, from Committee on Divorces, submitted the following report:

Your Committee to which was referred Council Bill No. 93, "An Act divorcing Joseph G. Loring," have had the same under consideration, and ask leave to report the same back to the Council, and recommend its passage.

CHS. G. KEELER,
Chairman.

Your Committee to which was referred Council Bill No. 82, "An Act divorcing Rosanna Murphy and Edward Murphy," ask leave to report the same back to the Council, and recommend its passage.

CHS. G. KEELER.
Chairman.

Mr. Hendry introduced Council Bill No. 89, entitled "An Act to empower aliens to hold and alienate Real Estate," which was

Read first time.

Mr. Keeler introduced Council Bill No. 90, entitled "An Act divorcing Joseph H. Brown and Chloe Brown," which was

Read first time.

Also, Council Bill No. 91, entitled "An Act divorcing James M. Barnard and Elizabeth Barnard," which was

Read first time.

Mr. Woodward introduced Council Bill No. 92, entitled "An Act to provide for an apportionment and for other purposes," which was

Read first time.

Mr. Thomas, on leave, presented petitions of Carl Berger and others, against a Ferry charter across the Grasshopper river.

Read, and

Referred to Committee on Incorporations.

Mr. Elder presented petitions of W. B. Hayden and one hundred others, praying for changes in [the] county lines of Douglas and Franklin counties, which were

Read, and

Referred to Committee on Counties.

Mr. Price offered the following resolution, which was adopted:

Resolved, That the thanks of this body are due to the publishers of the Leavenworth *Conservative*, for giving us twenty-four hours earlier information of the admission of Kansas, than any other paper in the Territory.

Mr. Mathias introduced Council Joint Resolution No. 6, to appropriate, to Henry Morrow, two hundred and fifty dollars for copying the journal of proceedings, which was

Read first time.

On motion of Mr. Mathias,

Council Joint Resolution No. 2, the special order, was postponed.

Mr. Hendry moved that the report of the Committee on Council Bill No. 8, entitled "An Act to amend an Act entitled 'An Act regulating the fees of officers, jurors and witnesses,' approved February 11th, 1859," be agreed to and the Bill printed.

Agreed to.

Council Bill No. 41, entitled "An Act to release the Treasurer of Doniphan county from the collection of certain taxes," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Mr. President—10.

Nays—Mr. Mathias—1.

And so the Bill passed.

The title was agreed to.

Council Bill No. 48, "An Act to establish a Ferry across the Smoky Hill river at the mouth of Turkey creek, in Dickinson county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Lambdin, Mathias, Palmer, Price, Mr. President—7.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 58, "An Act to provide for the permanent location of the county seat of Chase county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Mr. President—9.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 59, "An Act to amend 'An Act creating and organizing the county of Irving,'" was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Mr. President—9.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 70, "An Act to incorporate Pacific Lodge, No. 29, of Ancient Free and Accepted Masons," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Mr. President—7.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 62, "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 103, "An Act to incorporate the Suffolk Mining Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Hendry,

House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the city of Lawrence," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Woodward, Mr. President—9.

Nays—Messrs. Benton, Mathias, Price—3.

And so the Bill passed.

The title was agreed to.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body, that the House of Representatives have passed Council Bill No. 13, "An Act divorcing Harriet L. Parker and Howard E. Parker;"

Also, House Bill No. 192, "An Act to provide for the payment of certain extra expenses of the Legislative Assembly of A. D. 1861;"

House Bill No. 14, "An Act to legalize certain official acts of Notaries Public;"

House Bill No. 172, "An Act to provide for paying the extra officers of the Legislative Assembly of Kansas Territory, for the session of 1861, and for transcribing its journals;"

And House Bill No. 129, "An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries."

The Governor having returned to the House, with his objections, House Bill No. 3, "An Act to repeal certain laws therein named," the House have passed the said Bill the Governor's objections to the contrary notwithstanding.

ALFRED GRAY,
Chief Clerk.

Mr. Hendry moved that Council Bill No. 86, "An Act divorcing Almira A. Shaff and Joseph Shaff," be indefinitely postponed.

Carried.

Council Bill No. 87, "An Act appropriating three hundred dollars," was

Read second time and

Referred to Committee on Legislative Expenditures.

Messrs. J. R. Rankin and A. J. Hunton came forward, and were sworn in, as Assistant Enrolling Clerks of the Council, by the President.

Council Bill No. 88, "An Act in regard to county bonds," was

Read second time and

Referred to Committee on Judiciary.

On motion of Mr. Hendry, J. W. Jenkins was admitted within the bar as reporter for the Daily Lawrence *Republican.*

The report of the Committee on Council Bill No. 44, "An Act providing for reviewing a Territorial road from the city of Atchison to the Nebraska line," was

Agreed to, and

The Bill ordered to a third reading.

The report of the Committee on Council Bill No. 55, "An Act to repeal certain parts of acts therein specified," was

Agreed to, and

The Bill indefinitely postponed.

The report of the Committee on Council Bill No. 57, an Act entitled "An Act to establish a Code of Civil Procedure," was

Agreed to, and

The Bill indefinitely postponed.

Council Bill No. 66, "An Act to divorce Andrew J. Roshmere and Caroline Roshmere," was

On motion of Mr. Mathias,

Laid upon the table.

Council Blll No. 67, "An Act divorcing Richard Willoughby and Sophrona Willoughby," was

On motion of Mr. Price,

Laid upon the table.

Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace," was

On motion of Mr. Elder,

Read a third time now.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Price, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Mathias, Palmer—2.

And so the Bill passed.

The title was agreed to.

The report of Committee on Council Bill No. 72, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of Breach of the Peace,'" approved February 10th, 1859, was

Agreed to, and

The Bill was read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 78, "An Act providing for the approving official Bonds in certain cases," was

On motion of Mr. Mathias,

Recommitted to Committee on Judiciary.

Mr. Benton moved that Council Bill No. 79, "An Act divorcing Melissa Hover from Sylvester Hover," be ordered to a third reading.

Mr. Price moved, as a substitute, that the Bill be indefinitely postponed.

Lost.

Mr. Benton's motion to order to third reading was lost.

Mr. Hendry moved that Council Bill No. 80, "An Act divorcing Anna A. Morton and William A. Morton," be indefinitely postponed.

Lost.

Mr. Keeler moved that the Bill be read third time.

Lost.

Mr. Elder moved that the Bill be ordered to a third reading.

The yeas and nays being demanded, the vote resulted as follfollows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias—5.

Nays—Messrs. Hendry, Lambdin, Palmer, Stewart, Thomas, Woodward, Mr. President—7.

And so the motion was lost.

Council Bill No. 92, entitled "An Act to provide for an apportionment and other purposes," was

Read second time.

House Bill No. 99, entitled "An Act legalizing the assessment of Taxes in the city of Lawrence, and for the sale of certain property by the city of Lawrence to the county of Douglas," was

On motion of Mr. Palmer,

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Elder,

Council Bill No. 92, "An Act to provide for an apportionment and for other purposes," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Palmer, House Bill No. 129, "An Act defining the extra officers and fixing their salaries," was

Read first and second times.

Mr. Palmer moved that the Bill be amended by inserting "six," instead of "five" dollars per day.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Lambdin, Mathias, Palmer, Price, Woodward —5.

Nays—Messrs. Benton, Christison, Elder, Hendry, Keeler, Stewart, Thomas, Mr. President—8.

And so the amendment was lost.

On motion of Mr. Benton,

The Bill was read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 172, entitled "An Act to provide for the payment of the clerks and extra officers of the Legislative Assembly for the Legislative Session of 1861, and for transcribing the journals," was

Read first and second times.

Mr. Keeler offered the following amendment to second section:

"And when the Journals shall be thus deposited, the Secretary of the Territory shall certify the same."

Also, add, in section second, the words "three hundred and fifty dollars," instead of "two hundred and fifty dollars."

Lost.

On motion of Mr. Palmer,

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Thomas,

House Bill No. 179, entitled "An Act to prevent the payment of certain bonds purporting to have been issued under the provisions of an Act entitled 'An Act to provide for funding the indebtedness of the Territory,' approved February 11, 1859, and certain warrants and certificates purporting to have been drawn under the provisions of an Act entitled 'An Act to provide for the adjustment and payment of Claims,' approved February 7th, 1859, and 'An Act supplementary to an Act entitled 'An Act to provide for the payment of Claims,'' approved February 11, 1859," was

Read first and second times.

Mr. Benton moved that the Council go into Committee of the Whole for the consideration of the Bill.

Mr. Stewart moved, as a substitute, that the Bill be postponed until three o'clock P. M.

Lost.

Mr. Benton's motion prevailed, and

The Council went into Committee of the Whole in consideration of the Bill.

Mr. Palmer in the chair.

After some time spent therein, the Committee arose, reported the Bill back, and recommended its passage.

Agreed to.

On motion of Mr. Hendry,

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Hendry, on leave, introduced Council Bill No. 94, entitled "An Act to extend the time for paying Taxes in 1860, in Douglas county," which was

Read first and second times and

Referred to Select Committee of three, consisting of Messrs. Hendry, Price and Christison.

House Bill No. 102, entitled "An Act to change the name of Cinnabar Mining Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 95, entitled "An Act to protect Game in Leavenworth county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler,

Lambdin, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 42, entitled "An Act defining the southern boundary line of Breckinridge county, and for other purposes," was

Read second time and

Referred to Committee on Counties, with instructions to report this afternoon.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was recommitted Council Bill No. 78, "An Act providing for the approving official bonds in certain cases, have had the same under consideration, and report it back with the following amendment, and recommend its passage: Section first to be so amended as to read as follows: "That all official bonds required to be executed by township officers, under an Act relating to townships and township officers," approved February 27th, 1860, shall hereafter be approved by the Board of County Commissioners in term time, or by the County Clerk in vacation.

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

The report was agreed to.

And on motion of Mr. Palmer,

Council Bill No. 78 was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler,

Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Hendry, from Committee on Counties, submitted the following report:

Your Committee on Counties and County Lines, to whom was referred Council Bill No. 46, entitled "An Act to establish the boundary line between the counties of Leavenworth and Johnson," having had the same under consideration, report it back with the following substitute, and recommend the passage of the substitute.

JAMES M. HENDRY.
CHESTER THOMAS.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your Honorable Body that the House of Representatives have passed House Bill No. 179, "An Act to prevent the payment of certain Bonds issued under the provisions of an Act entitled 'An Act to provide for funding the indebtedness of the Territory,' approved February 11, 1859, and certain warrants and certificates drawn under the provisions of an Act entitled 'An Act to provide for the adjustment and payment of claims,' approved February 7, 1859, and An Act supplementary to an Act entitled 'An Act to provide for the payment of claims,' approved February 11, 1859," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Council Bill No. 81, entitled "An Act to incorporate the Medary Town Company, and to authorize the construction of a mill dam," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin,

Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Benton, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads have examined Council Bill No. 69, "An Act to extend an Act over the county of Doniphan, defining the mode of laying out and establishing roads," and beg leave to report by substitute, and recommend the passage of the substitute.

M. R. BENTON.
WM. G. MATHIAS.

Mr. Woodward introduced substitute to Council Bill No. 95, entitled "An Act to establish the western boundary line of Davis county," which was

Read first and second times, and

Referred to Committee on Counties.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 37, "An Act to incorporate the First Baptist Church of Manhattan;"

Council Bill No. 3, "An Act to extend the time for paying taxes," with the following amendments: Add to section first, "Osage, Coffey, Wyandott, Anderson, Washington, Marshall, Waubaunsee, Morris, Chase, Breckinridge and Riley counties." Also, wherever the word "September" occurs in said Bill, strike the same out, and insert, in the place thereof, "December."

Also, House Bill No. 151, "An Act establishing a Branch Department of the Baker University by the Kansas Educational Association of the Methodist Episcopal Church."

House Bill No. 153, "An Act to amend an Act to incorporate and establish the city of Leavenworth, &c.; also, to amend an Act amendatory of said Act," approved February 27, 1860, and Joint Memorial and accompanying Concurrent Resolution, "asking the Legislatures of the States, now in session, to donate

Seed Wheat, &c., to the settlers in Kansas," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

House Bill No. 141, entitled "An Act to incorporate a ferry across the Grasshopper river," was

Read second time and

Referred to Committee on Incorporations.

House Bill No. 66, entitled "An Act to detach that portion of township ten in range eight, lying and being in Davis county, from said Davis county, and to attach the same to Riley county," was

Read second time.

Mr. Woodward, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee to whom was referred House Bill No. 150, entitled "An Act to incorporate the town of Garnett," have had the same under consideration, and report it back without amendment, and recommend its passage.

J. B. WOODWARD,
CHESTER THOMAS.

Mr. Christison presented the petition of G. H. Brown and others, praying for a ferry across Grasshopper river," which was read and referred.

On motion of Mr. Price,

Council Bill No. 46, entitled "An Act to establish the boundary line between the counties of Leavenworth and Johnson," was

Laid upon the table.

Message from the House:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed Council Bill No. 92, "An Act to provide for an apportionment, and for other purposes," without amendment.

Also House Bill No. 26, an Act entitled "An Act to divorce Sabra J. Wells from Alpheus Wells."

House Bill No. 104, "An Act to define the boundary line between Dickinson and Morris counties," and ask your concurrence.

ALFRED GRAY,
Chief Clerk.

Message from the House:

MR. PRESIDENT:—I am instructed to notify the Council that the House of Representatives have passed Council Bill No. 25, "An Act divorcing Henry Smith and Harriet Smith," without amendment;

Also, House Bill No. 201, "An Act divorcing Almarinda P. Todd and Henry Todd;

House Bill No. 202, "An Act to repeal an Act entitled 'An Act relative to county orders for the county of Shawnee,' approved February 23, 1860,"

And House Bill No. 30, "An Act divorcing George M. Bittman and Catharine Bittman," and respectfully solicit your concurrence therein.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Palmer,

The Council adjourned till two and a half o'clock P. M.

AFTERNOON SESSION.

TWO AND A HALF O'CLOCK.

Council convened.

President in the chair.

Quorum present.

Mr. Benton, on leave, introduced Council Bill No. 96, entitled "An Act to repeal parts of Acts therein named," which was

Read first and second times and

Referred to Committee on Judiciary.

On motion of Mr. Woodward,

House Bill No. 66, entitled "An Act to detach that portion of township ten, in range eight, lying and being in Davis county, from said Davis county and to attach the same to Riley county," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Woodward, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Hendry, from Select Committee, submitted the following report:

Your Select Committee, to whom was referred Council Bill No. 74, entitled "An Act to extend the time for paying taxes for 1860, in Douglas county," have had the same under consideration and report it back without amendment, and recommend its passage.

JAS. M. HENDRY.
N. PRICE.
F. M. CHRISTISON.

On motion of Mr. Hendry,

The report was agreed to and the Bill

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Woodward, Mr. President—10.

Nays—none.

And so the Bill passed.

Mr. Hendry, from Committee on Counties, submitted the following report:

Your Committee on Counties and County Lines, to whom was referred House Bill No. 95, entitled "An Act to establish the western boundary line of Davis county," having had the same under consideration report it back and recommend its passage.

JAMES M. HENDRY.
CHAS. G. KEELER.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 194, "An Act making appropriations for certain purposes therein named," and ask your concurrence;

And Council Bill No. 37, "An Act imposing a tax upon a Ferry privilege and extending the charter;"

And Council Bill No. 52, "An Act to establish a ferry across the Missouri river," without amendment.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

The Council went into Committee of the Whole for the consideration of Council Bill No. 60, entitled "An Act for the organization, supervision and maintenance of Common Schools."

Mr. Woodward in the chair.

After some time spent therein, the Committee arose, reported the Bill back, with amendments, and recommended its passage.

Agreed to.

Mr. S. H. Davis came forward and was sworn in as Assistant Enrolling Clerk.

Mr. Benton submitted the following report of Joint Committee on Memorial in behalf of the Suffering in Kansas:

MR. SPEAKER: The Joint Committee, appointed to prepare a memorial to the Legislatures of the several States now in session, in behalf of the suffering in Kansas, respectfully report the following:

To the Governor and Legislative Assembly of the State of

The undersigned, a Committee of the Legislature of the Territory of Kansas, would respectfully and earnestly represent:

That the people of Kansas have suffered, during the past summer, from one of the most severe drouths ever before known in the history of this or any other country. We do not deem it necessary to spread before you a detailed account of the hardships consequent upon this state of things; we will only say that we are amazed whenever called to contemplate the severity and extent of the calamity.

Not less than thirty thousand persons are now and will be dependent for subsistence, upon outside resources, until our next harvest, and, in addition to the need of provisions and clothing, a large amount of seed wheat, corn and potatoes will be required at an early day, or the citizens of Kansas must, to some extent, remain beneficiaries upon eastern liberality for the year to come. The snow, which has fallen in immense quantities all over our country, burying beyond the reach of our stock the principal source of subsistence which remained for them—in the dry grass of the prairies—must inevitably cause the death, by starvation, of a large portion of our cattle, while at the same time the roads are rendered impassable and the people exposed to greatly increased privation and suffering, from the difficulty of reaching the points where food is to be obtained; from these causes we have great reason to apprehend that our condition in the spring must be most helpless and hopeless without a liberal and prompt response to this appeal.

We are assured, from the office of the Relief Committee, at Atchison, that the indications are daily becoming more and more alarming, in consequence of the falling off of private donations, and we are urged to take some measures to provide *for the worst* that may yet be in the future.

We are especially desirous to procure, from legislative beneficiaries, the means of furnishing our people at least one hundred thousand bushels of seed wheat, and a sufficiency of corn and potatoes also, for spring planting.

Our position is one of extreme trial; already overwhelmed with a deep sense of obligation to sympathizing friends in the East, who have hitherto, under the kind promptings of generous hearts, opened wide their hands for our relief, we are still impelled, by painful necessity, from what we know of the condition of the country, to renew our appeal, addressing ourselves, in this instance, to the concentrated generosity of our eastern friends, as represented in the Legislative Assemblies now in session.

We ask, therefore, that the condition of our people may be

considered, and, as seed time is rapidly approaching, we earnestly desire that whatever is done to save us, as a people, from a prolongation of our destitution and suffering beyond another harvest, be done speedily.

While we deplore some of the sad effects of our recent severe weather, and storms of snow, we recognize behind the cloud the benignant designs of a kind Providence in preparing our soil, by a process pre-eminently adapted to the end desired, for an early and successful spring culture.

The Territorial Relief Committee have an office at the city of Atchison, and they have the confidence of the people of the country; and we believe any funds committed to them will be wisely, faithfully and equitably distributed over the Territory, according to the necessities of the people; but those who may prefer to disburse their charities through other channels, will, of course, consult their own judgment in the matter.

With grateful acknowledgments for the kind sympathy and substantial aid already received, your memorialists, as in duty bound, will ever pray.

Your Committee recommend the adoption of the following Resolution:

Resolved, By the House of Representatives, (the Council concurring,) That we approve and adopt the foregoing Memorial, and request the Governor of the Territory to forward a copy thereof to each of the Governors of the States whose Legislatures are now in session.

All which is respectfully submitted.

CHAS. B. LINES, Chairman.
JOHN T. SNODDY.
ROBERT REYNOLDS.
M. R. BENTON.
J. C. LAMBDIN.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following reports:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill No. 17, "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," find it correctly enrolled, and have this day presented it to the Governor.

Also, have presented to the Governor, this day, Council Bill No. 49, "An Act making an appropriation for paying the salary and other expenses allowed by law of the Territorial Superintendent of Common Schools."

Have, also, examined Council Bill No. 13, which we find correctly enrolled, but the Bill is without a title.

WATSON STEWART,
Chairman.

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill No. 37, "An Act to tax a Ferry privilege," and find it correctly enrolled.

WATSON STEWART, Ch.
WM. G. MATHIAS.

Mr. Stewart offered the following resolution, which was adopted:

Resolved, By the Council, (the House of Representatives concurring,) That the Enrolling Clerk of the Council be directed to enroll Council Bill No. 13, with the following title, to wit: "An Act divorcing Harriet L. Parker and Howard E. Parker."

Mr. Benton offered the following resolution:

Resolved, By the Council, (the House concurring therein,) That a list of the Officers and Members of the Legislative Assembly be prepared, containing the post office address, county, where born, where from to Kansas, age, avocation, married or single, and politics.

And be it further resolved, That one thousand copies be printed for equal distribution among said officers and members.

Mr. Hendry moved to lay the resolution on the table.

Lost.

The resolution was then adopted.

On motion of Mr. Elder,

Council adjourned until 7 o'clock this evening.

EVENING SESSION.

SEVEN O'CLOCK.

Council convened.

Roll called, and

Quorum present.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 175, "An Act legalizing the election of county officers of Davis county; also, legalizing the official acts of certain persons therein named," and request your concurrence.

Also, Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger;"

Council Bill No. 16, "A Bill divorcing Ellen Jane More;"

Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace," without amendment;

Also, House Bill No. 149, "An Act to amend an Act to provide for the assessment and collection of taxes, approved February 25, 1860, so far as the same relates to the city of Leavenworth, and for other purposes;"

House Bill No. 140, "An Act concerning roads in Osage and Breckinridge counties;"

House Bill No. 136, entitled "An Act to legalize the official acts of John McCreary, acting Justice of the Peace in the township of Jefferson, in Jackson county, Kansas Territory."

Also, House Bill No. 21, entitled "An Act divorcing Allen Beeson from Elizabeth Beeson," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Hendry, on leave, introduced Council Bill No. 79, entitled "An Act to reduce the expenses of the Courts, and for other purposes," which was

Read first and second time and

Referred to Committee on Judiciary.

House Bill No. 97, entitled "An Act to divorce Sabra J. Wells from Alpheus Wells," was, under suspension of the rules,

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Mr. President—9.

Nays—Mr. Hendry—1.

And so the Bill passed.

The title was agreed to.

House Bill No. 30, entitled "An Act divorcing George M. Bittman and Catharine Bittman," under suspension of rules, was

Read first, second and third times.

The question being "Shall the bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

House Bill No. 3, entitled "An Act to repeal certain laws therein named," having been returned by the Governor without his approval, the Bill was taken up for reconsideration.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—Messrs. Keeler, Mathias—2.

And so the Bill passed, the Governor's objections to the contrary notwithstanding.

The title was agreed to.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 114, "An Act establishing a Ferry across the Kansas river;"

House Bill No. 203, "An Act to incorporate the Anderson County Agricultural and Mechanical Society;"

House Bill No. 37, "An Act supplementary to an Act organizing the county of Dickinson," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
January 30, 1861.

To the Council:

I have this day approved Council Bills No. 49, "An Act making an appropriation for paying the salary and other expenses, allowed by law, of the Territorial Superintendent of Common Schools of Kansas;"

No. 17, "An Act to provide for the permanent location of the seat of justice of Pottawattamie county;"

No. 52, "An Act to establish a Ferry across the Missouri river;"

No. 25, An Act divorcing Henry Smith and Harriet Smith."

Respectfully,
G. M. BEEBE.

On motion of Mr. Hendry,

The Council went into Committee of the Whole for the consideration of Council Bill No. 8, entitled "An Act to amend an Act entitled 'An Act regulating the fees of officers, jurors and witnesses,' approved February 11th, 1859."

Mr. Benton in the chair.

After some time spent therein, the Committee arose, reported the Bill back, with amendments, and recommended its passage.

Agreed to.

The Bill was read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 60, entitled "An Act for the organization, supervision and maintenance of Common Schools," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Hendry, from Committee on Counties, submitted the following report:

Your Committee on Counties and County Lines, to whom was referred House Bill No. 42, entitled "An Act defining the southern boundary of Breckinridge county, and for other purposes," have had the same under consideration, and ask leave to report it back without amendments, and recommend its passage.

JAS. M. HENDRY.

Joint Memorial and Resolution, asking the assistance of Legislatures of the Northern and Western States, for the suffering in Kansas, was

Adopted.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill No. 25, "An Act divorcing Henry Smith and Harriet Smith," and Council Bill No. 52, "An Act to establish a ferry across the Missouri river," find them correctly enrolled, and have this day presented them to the Governor.

Also, have presented to the Governor Council Bill No. 37, "An Act imposing a tax upon a Ferry privilege."

WATSON STEWART,
Chairman.

House Bill No. 42, "An Act to define the southern boundary of Breckinridge county, and other purposes," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Price, Thomas, Stewart, Woodward—10.

Nays—Messrs. Benton, Palmer, Mr. President—3.

And so the Bill passed.

The title was agreed to.

House Bill No. 149, entitled "An Act to amend an Act to provide for the Assessment and Collection of Taxes, approved February 23d, 1860, so far as the same relates to the city of Leavenworth, and for other purposes," was, under the suspension of the rules,

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Elder, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Council Bill No. 84, "An Act requiring the Territorial Auditor to issue warrants in certain cases, and for other purposes," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage, with the following amendment:

INSERT, after the word "pay," in section two, and eighth line, the following: "And of the amount due any Marshal, Sheriff, Juror, Witness, or other officer."

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

House Bill No. 201, entitled "An Act divorcing Almarinda F. Todd from Henry R. Todd," was, under the suspension of the rules,

Read first and second times.

Mr. Keeler moved that the Bill be read a third time.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Palmer, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Elder, Hendry, Stewart—3.

And so the motion prevailed.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Price, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Elder, Hendry, Palmer, Stewart—4.

And so the Bill passed.

The title was agreed to.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred House Bill No. 141, entitled "An Act to incorporate a Ferry across the Grasshopper river," have had the same under consideration, and report the same back, without amendment, and recommend its passage.

WM. G. MATHIAS.
J. B. WOODWARD.

Mr. Christison moved that House Bill No. 141, entitled "An Act to incorporate a ferry across Grasshopper river," be read third time.

Mr. Thomas moved to amend the Bill by striking out the word "exclusive," in the first section.

Lost.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Woodward—9.

Nays—Messrs. Lambdin, Thomas—2.

Council Joint Resolution No. 6, appropriating two hundred and fifty dollars for the payment of Henry Morrow, was

Read second time.

Mr. Price moved that the resolution be laid on the table.

Mr. Elder moved that the resolution be indefinitely postponed.

The resolution was laid upon the table.

Adjourned.

JOHN J. INGALLS,
Secretary.

THURSDAY, January 31, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Christison, Elder, Hendry, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—10.

Absent—Messrs. Benton, Keeler, Palmer—3.

Journals of Tuesday and Wednesday read and approved.

Council Bill No. 85, entitled "An Act to incorporate the town of Shawnee," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Mathias presented the petition of M. P. Rively, Thomas Plowman, and fifty-three others, against the change of the county lines of Leavenworth county, which was read, and

Referred to Committee on County Lines.

Mr. Updegraff presented the petition of James Wright and fifty-five others, for a Territorial road from Gardner, in Johnson

county, by the way of Richland and Osawatomie and other points, to Fort Scott, in Bourbon county, which was read, and

Referred to Committee on Roads.

Mr. Lambdin presented the petition of I. W. Taylor, for divorce, which was read, and

Referred to Committee on Divorces.

Mr. Hendry, from Committee on County Lines, submitted the following report:

The Committee on Counties, to whom was referred Council Bill No. 77, "An Act defining the boundaries of Franklin, Douglas, Leavenworth and Jefferson counties," have had the same under consideration, and ask leave to report the Bill back, and recommend its passage with the following amendments:

Amend the title by filling the blank with the name of "Ottawa."

In Section 2, and third line, strike out all between the words "upon" and the word "and" and insert "the township line between sixteen and seventeen."

Section 3, and second line, strike out all between the word "between" and the word "line," and insert "township line of township sixteen and seventeen."

In seventh line, fill the blank by inserting the word "Ottawa," and next the last line, fill the blank with the word "Ottawa," and in third Section, second line, fill the blank with "Ottawa."

JAMES M. HENDRY.
CHAS. G. KEELER.

Mr. Woodward, from Committee on Legislative Expenditures, submitted the following report:

MR. PRESIDENT:—The Committee on Legislative Expenditures, to whom was referred Council Bill No. 87, entitled "An Act appropriating three hundred dollars," have had the same under consideration, and report it back with the following amendments, and recommend its passage: Strike out the words "three hundred" in the first line of the first section, and insert "two hundred and ten;" strike out the words "for costs," in the fifth line of the first section, and the sixth, seventh, eighth, ninth, tenth, eleventh and twelfth lines of same section, and insert the following:—"For guarding and boarding J. B. Centers, after

conviction for grand larceny at the May term of the Allen county District Court, A. D. 1860, and sentenced to the Penitentiary."

J. B. WOODWARD, Ch'n.
JAMES M. HENDRY.
C. G. KEELER.

Agreed to.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, have examined Council Bill No. 92, "An Act to provide for an apportionment, and for other purposes," and find it correctly enrolled, and presented the same to the Governor on Wednesday, January 30, 1861.

Also, Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger;"

Council Bill 68, "An Act divorcing George W. Lovelace and Sarah Lovelace," and

Council Bill No. 16, and find the same correctly enrolled, and have this day presented them to the Governor.

WATSON STEWART, Ch'n.

Agreed to.

Mr. Price, from Committee on Engrossed Bills, submitted the following reports:

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined Council Bill No. 44, entitled "An Act providing for the viewing and locating of a Territorial road from the city of Atchison to the Nebraska line," and find it correctly engrossed.

N. PRICE.

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined Council Bill No. 62, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" and find it correctly engrossed.

N. PRICE.

Agreed to.

Mr. Keeler, from Committee on Divorces, submitted the following report:

Your Committee on Divorces, to which was referred Council Bill No. 56, "An Act divorcing David P. Metcalf and B. Emily Metcalf," have seen letters setting forth the facts in the case,

convincing the Chairman of your Committee that it is a meritorious case, and we therefore ask leave to report the same back to the Council, recommending its passage.

CHAS. G. KEELER.

Agreed to.

Council Bill No. 56, entitled "An Act to divorce David P. Metcalf from B. Emily Metcalf," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Lambdin, Price, Thomas, Mr. President—6.

Nays—Messrs. Benton, Elder, Hendry, Palmer, Stewart—5.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Mathias,

Amendments of the House of Representatives to Council Bill No. 3, "An Act to postpone the time for paying Taxes," was

Concurred in.

Mr. Hendry introduced Council Bill No. 98, "entitled "An Act to amend an Act entitled 'An Act concerning Divorce and Alimony,'" which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Price introduced Council Bill No. 99, entitled "An Act repealing certain Acts therein named," which was

Read first and second times, and

Referred to Committee on Incorporations.

Mr. Updegraff introduced Council Bill 100, entitled, "An Act establishing certain Territorial roads therein named," which was

Read first and second time and

Referred to Committee on Roads.

Also, Council Bill No. 101, entitled "An Act divorcing Rebecca J. Smith and George B. Smith," which was

Read first and second times and

Referred to Committee on Divorces.

Mr. Keeler introduced Council Bill No. 102, entitled "An Act to repeal an Act to facilitate the settlement of the estates of deceased partners, approved February 24th, 1860," which was

Read first and second times and

Referred to Committee on Judiciary.

Council Bill No. 44, "An Act providing for reviewing of a Territorial road from the city of Atchison to the Nebraska line, was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Benton,

Council Bill No. 69. entitled "An Act to extend an Act over Doniphan county entitled 'An Act defining the mode of laying out and establishing roads,'" was recommitted to Committee on Roads.

Council Bill No. 95, "An Act to establish the western boundary of Davis county," was

On motion of Mr. Woodward,

Indefinitely postponed.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 157, "An Act divorcing Joseph McDonald and Eleanor McDonald;"

House Bill No. 67, "An Act to repeal an Act establishing highways in the county of Brown;"

House Bill No. 206, "An act legalizing certain acts of certain Sheriffs;"

House Bill No. 73, "An Act to incorporate the Farmers' and Mechanics' Educational Association, of Bloomington, Douglas county, Kansas Territory;"

House Bill No. 111, "An Act to legalize the official acts of certain persons therein named;"

House Bill No. 123, "An act to amend an Act entitled 'An Act to incorporate the White Cloud City Company,' passed 1858, and the amendments of said Act, and to legalize certain acts therein named;" and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Council Bill No. 93, "An Act divorcing G. Loring and Seraphime M. Loring," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Elder, Keeler, Lambdin, Mathias, Thomas, Mr. President—6.

Nays—Messrs. Benton, Christison, Hendry, Palmer, Price, Stewart—6.

And so the Bill was lost.

House Bill No. 153, entitled "An Act to amend an Act to incorporate and establish the City of Leavenworth; also, to amend an Act amendatory of said Act," approved February 27, 1860, was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Hendry,

The Council went into Committee of the Whole for the consideration of Council Bill No. 73, "An Act concerning mortgages of real estate."

After some time spent therein, the Committee arose, reported the Bill back to the Council with amendments, and recommended its reference to the Committee on Judiciary, with instructions to report this afternoon.

Agreed to.

Council Bill No. 82, "An Act divorcing Rosanna Murphy and Edward Murphy," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Lambdin, Thomas, Woodward, Mr. President—6.

Nays—Messrs. Benton, Elder, Hendry, Mathias, Palmer, Price, Stewart—7.

And so the Bill was lost.

Messages from the House of Representatives:

Mr. President:—I am instructed to inform your honorable

body that the House has passed Council Bill No. 21, without amendment.

ALFRED GRAY,
Chief Clerk.

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 85, entitled "An Act to incorporate the inhabitants of Shawnee, in Johnson County, Kansas;"

Council Bill No. 4, entitled "An Act to incorporate the Spring Dale Town Company," without amendment.

ALFRED GRAY,
Chief Clerk.

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed House Bill No. 219, "An Act supplementary to an Act entitled 'An Act to incorporate Wyandott Lodge No. 3 of Ancient Free and Accepted York Masons;'"

House Bill No. 173, "An Act incorporating the Lawrence Ferry Company;"

House Bill No. 38, "An Act to change the name of John William Hobbs to John William Harman;"

House Bill No. 72, "An Act to repeal sections 93, 94 and 95, and sub-division fourth, of section 115, of "An Act regulating the Jurisdiction and Procedure before Justices of the Peace and of the duties of Constables, in civil cases;

Hvuse Bill No. 69, "An Act to legalize the official acts of Notaries Public in Arrapahoe county, in certain cases;"

House Bill No. 45, "An Act divorcing Mary Ann Allen and Ezra G. Allen;"

House Bill No. 174, "An Act to amend 'An Act establishing Banks at Lawrence, Leavenworth and Wyandott,' approved February 11th, 1858;"

House Bill 75, "An Act to incorporate the South Tecumseh Town Association.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Mathias,

The vote, by which Council Bill No. 82 was lost, was reconsidered.

On motion of Mr. Updegraff,

The vote, by which Council Bill No. 82 was read a third time, was reconsidered.

On motion of Mr. Updegraff,

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Mr. President—9.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Updegraff,

Adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

Roll called, and

Quorum present.

House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,'" under the suspension of the rules, was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Benton, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads have examined Council Bill No. 100, "An Act establishing certain Territorial Roads therein named," and beg leave to report the Bill back without amendment, and recommend its passage.

M. R. BENTON.
WM. G. MATHIAS.
CHESTER THOMAS.

House Bill No. 219, entitled "An Act supplementary to An Act entitled 'An Act to incorporate Wyandott Lodge No. 3 of Ancient Free and Accepted York Masons,'" was, under suspension of the rules,

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President —11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your Honorable Body that the House of Representatives have passed Council Bill No. 53, "An Act to divorce Lucy Van Tifflin and Schuyler Van Tifflin."

Council Bill No. 23, "An Act to divorce James P. Whitney and Harriet N. Whitney," without amendment.

House Bill No. 138, "An Act to incorporate the Eudora Seminary Association."

House Bill No. 72, "An Act to repeal sections 93, 94 and 95, and subdivision fourth of section 115, of an Act regulating

the jurisdiction and procedure before Justices, and the duties of constables in civil cases."

House Bill No. 145, "An Act to incorporate the Mapleton Academy."

House Bill No. 117, "An Act to incorporate the Geneva Town Company."

House Bill No. 182, "An Act to incorporate the Episcopal Female Seminary of Topeka," and request your concurrence.

Council Bill No. 5, "An Act to divorce Mary Hough and Henry C. Hough,"

Council Bill No. 15, "An Act to divorce William West and Mary Ann West," without amendment.

ALFRED GRAY,
Chief Clerk.

House Bill No. 174, entitled "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott," approved February 11th, 1858, was, under the suspension of the rules,

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Messages from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your Honorable Body that the House of Representatives have passed House Bill No. 127, "An Act to incorporate the New York Mining and Tunneling Company," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 8, "An Act regulating the fees of officers, jurors, witnesses, and for other purposes," passed January 30th, without amendment.

ALFRED GRAY,
Chief Clerk.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 9, "An Act divorcing Ruducia F. Stephens and A. L. Stephens;"

Council Bill No. 12, "An Act to exempt certain lands from the provisions of an Act entitled "An Act to incorporate the city of Sumner," without amendment.

ALFRED GRAY,
Chief Clerk.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 1, "An Act additional to an Act entitled 'An Act to regulate the taking up and posting of strays,'" approved February 2, 1859, without amendment.

House Bill No. 22, "An Act for the relief of George A Reynolds," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

The report of Committee on Council Bill No. 84, "An Act requiring the Territorial Auditor to issue warrants in certain cases, and for other purposes," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Elder moved that the Bill be read third time at once.

Lost.

Mr. Elder moved that the Bill be ordered to a third reading.

Lost.

Council Bill No. 89, entitled "An Act to empower Aliens to hold and alienate Real Estate," was, under the suspension of the rules,

Read second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Lambdin, Palmer, Stewart, Thomas, Woodward—8.

Nays—Messrs. Benton, Mathias, Price, Mr. President—4.

And so the Bill passed.

The title was agreed to.

Council Bill No. 91, "An Act divorcing James M. Barnard and Elizabeth Barnard," was,

On motion of Mr. Price,

Laid upon the table.

Council Bill No. 90, "divorcing Joseph H. Brown and Chloe Brown," was,

On motion of Mr. Elder,

Laid upon the table.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that Messrs. Roberts, Winchell and Miller have been appointed a Committee of Conference, on the part of the House, on House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells, and legalizing his official acts and business transactions."

ALFRED GRAY,
Chief Clerk.

Mr. Keeler, on leave, introduced Council Bill No. 103, entitled "An Act locating a Territorial Road," which was

Read first time.

House Bill No. 173, entitled "An Act incorporating the Ferry Company of Lawrence," was

Read first and second times.

Mr. Christison moved to amend by striking out the word "exclusive."

Lost.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Lambdin, Palmer, Stewart, Thomas, Woodward, Mr. President—8.

Nays—Messrs. Benton, Christison, Mathias, Price—4.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Thomas,

A Joint Committee of Conference, consisting of three, was appointed to confer with a Committee of the House on House Bill No. 32.

Committee—Messrs. Thomas, Stewart and Benton.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 39, "An Act to provide for the location of the county seat of Franklin county," with the following amendment, to wit:

Insert the word "two" between the words "the" and "places" in the sixth line of section second, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed Council Bill No. 94, "An Act to extend the time for the payment of Taxes of 1860, in Douglas county," without amendment.

ALFRED GRAY,
Chief Clerk.

House Bill No. 4, entitled "An Act to incorporate the Havannah City Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Lambdin, Mathias, Palmer, Stewart, Thomas, Woodward, Mr. President—7.

Nays—Messrs. Benton, Christison, Price—3.

And so the Bill passed.

The title was agreed to.

Message from the House of Representvtives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 223, "An Act to prevent the introduction of contagious diseases among stock;"

House Bill No. 29, "An Act divorcing Marcus Mallery and Angeline Mallery," and respectfully solicit your concurrence.

ALFRED GRAY,
Chief Clerk.

House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Hendry, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—9.

Nays—Messrs. Benton and Christison—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 127, entitled "An Act to incorporate the New York Mining and Tunneling Company," was

Read first and second times.

Mr. Mathias moved that the Bill be read a third time at once.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—8.

Nays—Messrs. Hendry, Stewart—2.

And so the motion prevailed.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Mathias, Palmer, Price, Stewart, Thomas, Woodward—8.

Nays—Messrs. Hendry, Mr. President—2.

And so the bill passed.

The title was agreed to.

House Bill No. 123, entitled "An Act to amend an Act to incorporate the White Cloud City Company, passed 1858, and the amendments of said Act, and to legalize certain acts therein named," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Mathias, Palmer, Price, Stewart, Woodward, Mr. President—8.

Nays—Messrs. Elder, Hendry—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Report of Committee on Council Bill No. 87, entitled "An Act appropriating two hundred and ten dollars," was

Agreed to, and

The Bill read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 24, entitled "An Act to incorporate the city of Marysville," was

Read second and third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Thomas—8.

Nays—Mr. Mathias—1.

And so the Bill passed.

The title was agreed to.

Meesage from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 56, "An Act to permanently locate the county seat of Washington county," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Price moved that the Council adjourn.

Lost.

On motion of Mr. Elder,

The Council took a recess, subject to the call of the President.

The Council was called to order by the President.

House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith," was

Read second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Palmer, Price, Thomas, Woodward, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Benton gave notice that on to-morrow, at 12 o'clock, he would call up Joint Resolution No. 5.

On motion of Mr. Elder,

Council adjourned until 7 o'clock P. M.

EVENING SESSION.

SEVEN O'CLOCK.

Council convened.

Roll called.

Quorum present.

On motion of Mr. Mathias,

Council Joint Resolution No. 6, appropriating two hundred dollars to Henry Morrow for copying the Journals, was taken up, and,

On motion of Mr. Price,

Ordered to third reading at once.

The Joint Resolution was read third time.

The question being "Shall the Joint Resolution pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Price, Thomas, Woodward—8.

Nays—Messrs. Hendry, Lambdin, Mr. President—3.

And so the Joint Resolution passed.

The title was agreed to.

Mr. Benton offered the following resolution, which was laid on the table:

Resolved, By the Council, (the House concurring therein,) That we will adjourn, *sine die*, at 12 o'clock M., on the second day of February, 1861.

House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Bill No. 46, entitled "An Act to establish the boundary line between Leavenworth and Johnson counties," was,

On motion of Mr. Keeler,

Indefinitely postponed.

House Bill No. 56, entitled "An Act to permanently locate the county seat of Washington county," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin,

Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Christison,

The vote by which Council Bill No. 93, entitled "An Act divorcing Joseph G. Loring and Seraphina M. Loring," was lost was reconsidered.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Mathias, Thomas, Woodward, Mr. President—7.

Nays—Messrs. Palmer, Stewart—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 12, entitled "An Act to declare the Smoky Hill Road, from Fort Riley to Denver City, a Territorial Road and Public Highway," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Elder, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Council Bill No. 98, "An Act concerning Divorce and Allimony," having had the same under consideration report it back without amendment, and recommend its passage.

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

On motion of Mr. Hendry,

Council Bill No. 98 was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—Mr. Benton—1.

And so the Bill passed.

The title was agreed to.

House Bill No. 151, entitled "An Act establishing a Branch Department of the Baker University, by the Kansas Educational Association of the Methodist Episcopal Church," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 100, entitled "An Act establishing certain Territorial Roads therein named," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

The title was agreed to.

House Bill No. 46, entitled "An Act to amend 'An Act to incorporate the Kansas Central Telegraph Company,' approved February 11th, 1859," was

Read first and second times and

Laid upon the table.

Mr. Keeler, from Committee on Divorces, submitted the following report:

Your Committee, to whom was referred Council Bill No. 29, have had the same under consideration, and ask leave to report the same back to the Council, and recommend its passage.

C. G. KEELER.

House Bill No. 29, "An Act divorcing Marcus Mallery and Angeline Mallery," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Woodward, Mr. President—10.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

Council Bill No. 67, entitled "An Act divorcing Richard Willoughby and Sophronia Willoughby," was

Laid upon the table.

House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary of Topeka," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Mathias, Palmer, Stewart, Thomas, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of a Justice of the Peace;"

Council Bill No. 23, "An Act divorcing James P. Whitney and Harriet N. Whitney;"

Council Bill 53, "An Act to divorce Lucy Van Tifflin and Schuyler Van Tifflin;"

Council Bill 15, "An Act to divorce William West and Mary Ann West;"

Council Bill 5, "An Act to divorce Mary Hough and Henry C. Hough;"

Council Bill 4, "An Act to incorporate the Glendale Town Company;"

Council Bill 1, "An Act additional to an Act entitled 'An Act to regulate the taking up and posting of strays,'" and

Council Bill 12, "An Act to exempt certain lands from the

provisions of an Act entitled 'An Act to incorporate the city of Sumner,'" find them correctly enrolled, and have this day presented the same to the Governor.

WATSON STEWART, Ch.
WM. G. MATHIAS.

Council Bill No. 101, entitled "'An Act divorcing Rebecca J. Smith from George B. Smith," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Price, Thomas, Mr. President—8.

Nays—Messrs. Hendry, Palmer, Stewart—3.

And so the Bill passed.

The title was agreed to.

Adjourned.

JOHN J. INGALLS,
Secretary.

FRIDAY, February 1, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Absent—Mr. Lambdin—1.

Journal of yesterday read and approved.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 195, "An Act to incorporate the Kansas Hydraulic and Manufacturing Company;"

House Bill No. 159, "An Act to establish a Territorial road;"

House Bill No. 147, "An Act divorcing William A. Baldwin and Julia S. Baldwin;"

House Bill No. 35, "An Act divorcing Anson B. Spinney and Margaret Jane Spinney;"

House Bill No. 36, "An Act divorcing Clark W. Lewis and Sarah Lewis;" and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Elder presented petition of Wm. E. Kibbe and forty others, praying for change of county lines of Franklin and Douglas counties.

Read and

Referred to Committee on Counties.

Mr. Benton, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads have examined Council Bill No. 69, "An Act to extend an Act over Doniphan county, entitled 'An Act defining the mode of laying out and establishing roads,'" and beg leave to report the following substitute, and recommend its passage.

M. R. BENTON.
WM. G. MATHIAS.

Agreed to.

Council Bill 69 was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Stewart, Woodward—9.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Mathias, from Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—The Committee on Incorporations, to whom was referred Council Bill No. 99, entitled "An Act repealing an Act therein named," have had the same under consideration, and report it back without amendment, and recommend its passage.

WM. G. MATHIAS, Ch.

Mr. Elder, from Committee on Judiciary, reported back Council Bills 97, 102, 73, without recommendation.

Mr. Mathias reported, from [Committee on] Incorporations, Council Bill 71 and House Bill 154, without recommendation.

On motion of Mr. Mathias, it was

Ordered, That no further Bills be introduced into the Council.

Mr. Hendry offered the following preamble and resolutions:

WHEREAS, On the 31st day of January, 1861, an Act entitled "An Act to incorporate the New York Mining and Tunneling Company," passed the Council and House of Representatives, by reading the title only, in which there are some of the most unwarrantable provisions; therefore,

Resolved, That the House of Representatives be most respectfully requested to instruct the Enrolling Clerk to return said Bill to the House or Council, and that the said Bill be retained by the Committee on Enrolled Bills.

Resolved, That the Secretary be directed to transmit a copy of this resolution to the House of Representatives.

The question being on the adoption of the resolution, the yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Lambdin, Palmer, Woodward—5.

Nays—Messrs. Benton, Christison, Mathias, Thomas—4.

And so the resolution was adopted.

Mr. Benton, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads, have examined Council Bill No. 45, "An Act providing for the reviewing [and] locating of a Territorial road from the city of Elwood to the Nebraska line, [and] report the Bill back without recommendation.

M. R. BENTON.

Mr. Benton offered the following resolution, which was adopted:

Resolved, That the Secretary of the Council be allowed the sum of one hundred dollars, for extra service, in addition to the sum specified in the Act making appropriations for the year 1861, to be paid out of any moneys in the Territorial Treasury not otherwise appropriated, and that the Auditor be directed to draw his warrants on the Treasurer for the same.

Council refused to agree to report of Committee on Council Bill No. 77, "An Act defining the boundaries of Franklin, Douglas, Leavenworth, Jefferson and —— counties."

Mr. Elder moved that the Bill be ordered to a third reading, and

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Woodward—8.

Nays—Messrs. Christison, Mathias, Price, Thomas—4.

And so the motion prevailed.

House Bill No. 45, entitled "An Act divorcing Mary Ann Allen from Ezra G. Allen," was, under suspension of the rules,

Read first, second and third times.

The question being "Shall the bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Thomas, Woodward, Mr. President—8.

Nays—Messrs. Hendry, Palmer—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 147, entitled "An Act divorcing William A. Baldwin and Julia L. Baldwin," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Woodward, Mr. President—7.

Nays—Mr. Palmer.

And so the Bill passed.

The title was agreed to.

Mr. Price, from Committee on Engrossed Bills, submitted the following reports:

MR. PRESIDENT:—Your Committee on Engrossed Bills, have examined Council Bill No. 98 and find it correctly engrossed.

N. PRICE.

Council Bill No. 67, entitled "An Act divorcing Richard Willoughby and Sophronia Willoughby," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Woodward, Mr. President—7.

Nays—Messrs. Palmer, Price, Stewart—3.

And so the Bill passed.

The title was agreed to.

House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Jane Spinney," was

Read first time.

Mr. Price moved the Bill be indefinitely postponed.

Lost.

On motion of Mr. Keeler,

The Bill was read second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Woodward, Mr. President—6.

Nays—Messrs. Price and Stewart—2.

And so the Bill passed.

The title was agreed to.

Mr. Mathias offered the following resolution, which was laid upon the table:

WHEREAS, The Council passed, at this session, a Joint Resolution to memorialize the first Comptroller of the Treasury of the United States to instruct the Secretary of this Territory to pay the mileage of the members of the last extra session of the Legislative Assembly; and

WHEREAS, The money which would be thus paid could, under no circumstances, be a charge on the Territory or State of Kansas; and

WHEREAS, On motion of Mr. Winchell of the House, the said resolution was indefinitely postponed; therefore, be it

Resolved, That we, the members of the Council, denounce the conduct of Hon. J. M. Winchell, a member of the House of Representatives, in moving to postpone, indefinitely, the said Joint Resolution, as an unwarrantable interference to prevent the members of the Council and House of Representatives from obtaining their just dues from the General Government.

House Bill No. 36, entitled "An Act divorcing Clark W. Lewis and Sarah Lewis," was

Read first time.

Mr. Price moved that the Bill be indefinitely postponed.

Lost.

The Bill was read second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Woodward, Mr. President—6.

Nays—Messrs. Hendry, Mathias, Palmer, Price, Stewart—5.

And so the Bill passed.

The title was agreed to.

Council Bill No. 99, entitled "An Act to repeal an Act therein named," was, under suspension of the rules, taken up and,

On motion of Mr. Price,

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—Mr. Elder.

And so the Bill passed.

The title was agreed to.

Mr. Palmer, from Committee on Ways and Means, submitted the following report:

MR. PRESIDENT:—The Committee on Ways and Means have had under consideration Council Bill No. 83, "An Act defining the duties of the Treasurer of the Territory of Kansas in certain cases," and report the same back to the Council without amendment, and recommend its passage.

L. R. PALMER.
C. G. KEELER.

Report of Committee on Council Bill No. 83, entitled "An Act defining the duties of the Treasurer of the Territory of Kansas in certain cases," was

Agreed to, and

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Price moved that the Council Joint Resolution be taken up.

Lost.

Adjourned.

AFTERNOON SESSION.

THREE O'CLOCK.

Council convened.

President in the chair.

Roll called, and

Quorum present.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 1st, 1861.

To the Council:

The following laws which originated in your House were approved by me, on the 30th ult: Nos. 37, 6, 13, 92, 52, 49, 25, 17.

By telegraphic announcement, we have learned that the State of Kansas has been admitted into the Federal Union, and that her Representative has qualified, and taken his seat in Congress. Therefore, as the members of the Council, and all save one of the House of Representatives, are resident within the boundaries of the State, the existence of the Legislative Assembly of the Territory is, in my opinion, terminated. How far your acts in

a Legislative capacity may be warranted by the State Constitution, is a question with reference to which there exists great contrariety of opinion. While unwilling, myself, to proceed in the discharge of duties of such doubtful propriety, I do not feel at liberty to take the responsibility of embarrassing your action by receive communications, by your order presented to me as the acting Executive. In this dilemma, I feel that I can take but one course. Under the 3d section of the schedule of the Constitution, I am authorized to continue in the discharge of the duties of my department until superseded by the State Government. I shall, therefore, without passing upon the merits or demerits of the provisions of communications received after the 30th ult., return them to the respective Houses in which they originated, without my approval, for the reason that, in my opinion, under the circumstances, all further legislation by you is impolitic, as calculated to emuarrass the already complex state of our governmental affairs.

Under this determination, I have the honor to return the accompanying Bills.

Respectfully,

G. M. BEEBE,
Acting Governor.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed the accompanying Concurrent Resolution, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Resolved, By the House of Representatives, (the Council concurring,) that Henry Morrow be allowed the sum of $200 out of any money in the treasury not otherwise appropriated, for services rendered in copying the journals of the Council and House during the present session, to be drawn on the warrants of the presiding officers of the two Houses.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed the accompanying Concurrent Resolution, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Resolved, By the House, (the Council concurring,) That a Joint Session of the two Houses be held in the Hall of the House

this afternoon at four o'clock, for the purpose of electing two United State Senators for the State of Kansas.

On motion of Mr. Benton,

Council Joint Resolution No. 5, was

Read second time.

Mr. Price moved, in second line of second resolution, to strike out "or to interfere with their slaves," and in line three "and to hold and recover their slaves."

The question being on the adoption of the amendments, the yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Lambdin, Price, Stewart, Mr. President—6.

Nays—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Thomas—6.

And so the amendments were lost.

Mr. Benton moved to amend, by inserting in the third line of section two, after the word "slaves," "in accordance with the provisions of law."

Carried.

The second resolution was adopted.

Mr. Elder moved that the Resolution be laid upon the table.

Lost.

Mr. Benton moved that the Council now concur in Resolution of the House, relative to electing Senators.

Mr. Price moved to amend by striking out "non."

Mr. Mathias moved to lay upon the table.

Mr. Updegraff introduced the following Preamble and concurrent Resolution:

WHEREAS, Intelligence has reached the Legislature now in

session, that Kansas has been admitted into the Union on an equal footing with the other States; and

WHEREAS, There can be no interregnum in Civil Governments; and

WHEREAS, The Legislative Assembly, elected in accordance with the provisions of the Constitution under which we have just been admitted, has not yet been assembled and qualified; and

WHEREAS, The third sections of the schedule to said Constitution, provides that the Governor, Secretary and Judges, and all other officers, both civil and military under the Territorial Government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this Constitution; and

WHEREAS, The Legislature now in session is a Legislature *de facto*; therefore,

Be it resolved, By the Council, (the House concurring therein,) That the powers of the Legislature now in session, are continued by the provisions of said schedule, and the said Legislature is thereby empowered to legislate upon all subjects authorized by said Constitution.

Mr. Updegraff introduced the following resolution:

Resolved, by the Legislative Assembly of the Territory of Kansas:

That Hon. M. F. Conway, Representative in Congress, be and is hereby requested and empowered to represent Kansas in the National Union Convention, to be held in Washington city during the present month.

Resolved, That the Clerk of the House of Representatives is hereby instructed to forward a copy of these resolutions to Hon. M. F. Conway.

Mr. Mathias moved to amend the amendment offered by Mr. Price, by inserting "eight o'clock this evening."

Lost.

The motion of Mr. Price prevailed.

The question being on the adoption of the motion of Mr. Benton, as amended, the yeas and nays were demanded, and

The vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Lambdin, Price, Stewart, Thomas, Woodward—7.

Nays—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Mr. President—6.

And so the motion prevailed.

Mr. Price moved that the Council concur in House Resolution appropriating two hundred dollars to Henry Morrow.

The yeas and nays were demanded, and

The vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Mathias, Palmer, Price, Thomas, Woodward—8.

Nays—Messrs. Elder, Hendry, Lambdin, Stewart, Mr. President—5.

And so the resolution was concurred in.

On motion of Mr. Elder,

The resolution offered by Mr. Mathias, relating to action of Mr. Winchell on Council Joint Resolution No. 6, was

Laid upon the table.

On motion of Mr. Elder,

Council adjourned until nine o'clock to-morrow morning.

JOHN J. INGALLS,
Secretary.

SATURDAY, February 2, 1861,
TEN O'CLOCK A. M.

Council convened.

President in the chair.

Prayer by the Chaplain.

Present—Messrs. Elder, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Woodward, Mr. President—9.

Absent—Messrs. Benton, Christison, Palmer, Thomas—4.

Journal of yesterday read and approved.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representative have passed House Bill No. 222, "An Act for the relief of H. W. Petriken and F. F. Bruner," and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Keeler moved that the Council now proceed to pass all Bills returned to the Council by the Governor, without his approval, the Governor's objection to the contrary notwithstanding.

Carried.

Mr. Mathias offered the following resolution, which was adopted:

Resolved, That the question on the passage of the Bills returned to the Council without the signature of the Acting Governor, shall be "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding."

Council Bill No. 68, entitled "An Act divorcing George W. Lovelace and Sarah Lovelace," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the

signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

Council Bill No. 23, entitled "An Act divorcing James P. Whitney and Harriet N. Whitney," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, and the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

House Bill No. 5, entitled "An Act divorcing Mary Hough and Henry C. Hough," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

Council Bill No. 15, entitled "An Act divorcing William West and Mary Ann West," was reconsidered.

The question being "Shall the Bill pass, the signature of the

Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

Council Bill No. 4, entitled "An Act to incorporate the Spring Dale Town Company," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

Council Bill No. 85, entitled "An Act to incorporate the citzens of Shawnee," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

Council Bill No. 53, entitled "An Act to divorce Lucy Van Tifflin and Schuyler Van Tifflin," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Mathias, Lambdin, Price, Stewart, Thomas, Woodward, Mr. President. —12.

Nays—none.

And so the Bill passed.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the City of Sumner."

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the bill passed.

Council Bill No. 1, entitled "An Act additional to an Act entitled 'An Act to provide for the taking up and posting of strays."

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

Council Bill No. 21, entitled "An Act to repeal an Act to create the office of Justice of the Peace in the city of Junction, and to provide for the election of Justices," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—13.

Nays—none.

And so the Bill passed.

Council Bill No. 16, entitled "An Act divorcing Ellen Jane Moore," was reconsidered.

The question being "Shall the Bill pass notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

House Bill No. 222 was

Read first time.

Mr. Hendry moved that the Bill be indefinitely postponed.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Palmer, Stewart, Woodward, Mr. President—7.

Nays—Messrs. Benton, Christison, Keeler, Mathias, Price, Thomas—6.

And so the Bill was indefinitely postponed.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Council Bill 9, "An Act divorcing Rodentia F. Stevens and A. L. Stevens;"

Council Bill 94, "An Act to extend the time for the payment of taxes of 1860 in Douglas county;" and

Council Bill 8, "An Act regulating the fees of officers, jurors and witnesses, and for other purposes;"

Find them correctly enrolled, and presented them to the Governor on Friday, February 1.

WATSON STEWART, Ch.

Agreed to.

On motion of Mr. Elder,

The Council concurred in resolution of the House in reference to conferring with the Governor in reference to adjournment.

Committee—Messrs. Elder, Mathias, Benton.

House Bill No. 206, entitled "An Act legalizing certain official acts of Sheriffs therein named," was

Read second time and

Referred to Committee on Judiciary.

Mr. Keeler offered the following resolution, which was adopted unanimously:

Resolved, That the thanks of this Council be tendered to the Hon. W. W. Updegraff, for the very able and impartial manner in which he has discharged the responsible duties devolving upon him as our presiding officer during the present session.

On motion of Mr. Benton,

The Council took a recess of thirty minutes.

The time of recess having expired,

The Council called to order by the President.

Message from the House of Representatives:

MR. PRESIDENT :—I am directed to notify your honorable body that the House of Representatives have passed accompanying Concurrent Resolution.

Also, House Bill 163, "An Act divorcing Jacob F. Diehm and Mary Diehm;"

House Bill 143, "An Act divorcing Samuel Milligan and Charlotte Milligan;" and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Resolved, By the House of Representatives, (the Council concurring,) that a joint committee of five on the part of the House, and three on the part of the Council, be appointed to confer with the Governor, in reference to the expediency of an immediate adjournment, and, also, in reference to time when the *per diem* of the members will cease.

Committee on part of the House—Messrs. Lines, Miller, Dunton, Bailey and Evans.

[Message from the House of Representatives:]

MR. PRESIDENT :—I am directed to notify the Council that the House of Representatives have passed without amentment, House Bill No. 58, "An Act amendatory to an Act entitled 'An Act for the regulating of the running at large of swine,' approved January 28, 1860;"

The accompanying concurrent resolution, memorializing the Congress of the United States to provide for the survey and sale of certain lands; and request your concurrence.

Also, House Bill No. 129, "An Act to prevent the payment of certain bonds," &c., &c., by the constitutional majority, the objections of the Governor to the contrary notwithstanding; and request your concurrence.

ALFRED GRAY,
Chief Clerk.

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 67, "An Act divorcing Richard Willoughby and Sophronia Willoughby;"

Council Bill No. 93, "An Act divorcing Joseph G. Loring and Seraphina Loring," without amendment.

Also, House Bill No. 224, "An Act divorcing Susan E. Marquette and Stephen M. Marquette," and respectfully request your concurrence.

ALFRED GRAY,
Chief Clerk.

Message from the Governor:

EXECUTIVE OFFICE, K. T., }
February 2d, 1861. }

To the Council:

I return herewith, without my approval, the following Bills, which originated in your House, to-wit: Council Bills Nos. 94, 8, 9. My objection to each of the above Bills is, that while there is no public necessity demanding their passage, they are calculated to entail upon the community a vast amount of trouble by reason of the uncertainty of their validity.

Respectfully,
G. M. BEEBE.

Mr. Thomas offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Council are due to the Secretary, Assistant Secretary, Sergeant-at-Arms, Door Keeper and Clerks of the Council, for the able and faithful manner in which they have discharged the duties of their respective positions.

House Bill No. 159, entitled "An Act to establish a Territorial Road," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Lambdin, Mathias, Palmer, Stewart, Thomas, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

Mr. Palmer offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of this Council are due to our Enrolling, Docket, Journal and Engrossing Clerks, for the efficient manner in which they have discharged the duties pertaining to their several positions during the present session.

Mr. Elder, from Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom House Bill 206 was refer-

red, have had the same under consideration, and ask leave to report the Bill back and recommend its passage, with the following amendments: Strike out fourth line, and insert "in the counties of this Territory." Strike out "county," in the fifth line.

On motion of Mr. Mathias,

House Bill No. 206, entitled "An Act legalizing acts of certain sheriffs," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

On motion of Mr. Elder,

The following substitute to the Bill was adopted: "An Act to legalize the sales of the sheriffs of this Territory, in certain cases."

The title, as amended, was Agreed to.

Mr. Benton offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Council are due to Franklin R. Davis, for the faithful and efficient manner in which he has discharged the duties of Messenger to the Council.

Adopted unanimously.

Mr. Benton moved that Council Joint Resolution No. 5 be taken up and

Read third time.

Mr. Price moved to reconsider the vote by which the the third resolution was adopted.

Carried.

Mr. Price moved to amend by striking out "to be appointed by the Governor," and insert "to be elected by joint ballot of the two Houses of the Legislature."

Carried.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 23, "An Act divorcing James P. Whitney and Harriet N. Whitney;"

Council Bill No. 12, "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the city of Sumner;'"

Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace, in the city of Junction, and to provide for the election of Justice of the Peace;'"

Council Bill No. 1, "An Act additional to an Act entitled 'An Act regulating the taking up and posting of strays;'"

Council Bill No. 5, "An Act to divorce Mary Hough and Henry C. Hough;"

Council Bill No. 53, "An Act divorcing Lucy Van Tifflin and Schuyler Van Tifflin;"

Council Bill No. 4, "An Act to incorporate the Glendale Town Company;"

Council Bill No. 75, "An Act to divorce William West and Mary Ann West;"

Council Bill No. 85, "An Act to incorporate the inhabitants of Shawnee, Johnson county, Kansas Territory,"

Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace;"

Council Bill No. 16, "An Act divorcing Ellen Jane Moore," by the constitutional majority, the objections of the Governor notwithstanding.

ALFRED GRAY,
Chief Clerk.

The Resolutions were read third time.

The question being "Shall the Joint Resolution pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas—10.

Nays—none.

And so the Joint Resolution passed.

Council Joint Resolution No. 2, and substitutes, were taken up.

Mr. Price moved to adopt the substitute offered by Mr. Elder.

On motion of Mr. Mathias,

The further consideration of the subject was postponed.

Mr. Updfgraff moved that the preamble and concurrent resolution, offered by him yesterday, be indefinitely postponed.

Carried.

House Bill No. 179, "An Act to prevent the payment of Claim Bonds, &c.," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding," the vote resulted as follows:

Yeas—Messrs. Christison, Hendry, Keeler, Lambdin, Price, Stewart, Thomas, Woodward, Mr. President—9.

Nays—none.

And so the Bill passed.

Council Bill No. 94, was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Christison, Hendry, Keeler, Lambdin, Price, Stewart, Thomas, Woodward, Mr. President—9.

Nays—none.

And so the Bill passed.

Council Bill No. 9, "An Act divorcing Rodentia F. Stevens and A. L. Stevens," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the

signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Lambdin, Price, Stewart, Thomas, Woodward, Mr. President—8.

Nays—none.

And so the Bill passed.

Council Bill No. 8, "An Act to amend 'An Act regulating the fees of officers, jurors and witnesses,'" was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objection of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Christison, Hendry, Keeler, Lambdin, Price, Thomas, Woodward, Mr. President—9.

Nays—none.

And so the Bill passed.

Mr. Price, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Council Bill No. 93, and find it correctly enrolled.

N. PRICE.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 2, 1861.

To the Honorable, the Council:

I return, herewith, Council Bill No. 93, "An Act divorcing Joseph G. Loring and Seraphina Martnes Loring."

My objection to this Bill, is that, while there is no public necessity for your legislation, its continuance merely entails upon the community a vast amount of trouble by reason of the uncertainty of validity.

Respectfully,

G. M. BEEBE.

On motion of Mr. Hendry,

The Council adjourned till two o'clock P. M.

[AFTERNOON SESSION.

TWO O'CLOCK.

Council convened.

President in the chair.

Roll called, and

Quorum present.]

Council Bill No. 93, entitled "An Act divorcing Joseph G. Loring and Sophronia Loring," was reconsidered, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Christison, Lambdin, Mathias, Price, Stewart, Thomas, Mr. President.

Nays—Mr. Hendry.

On motion of Mr. Mathias,

The Council took a recess of thirty minutes.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed the following Concurrent Resolution:

Resolved, By the Council and House of Representatives, That the two Houses of the Legislative Assembly will adjourn, *sine die*, at six o'clock P. M., this days, February 2, 1861;

Also, the following Preamble and Resolution, and request your concurrence:

ALFRED GRAY,
Chief Clerk.

WHEREAS, The President of the United States, in his last Annual Message, [to Congress,] recommended to that body the consideration of the propriety of making an appropriation for the relief of the suffering people of Kansas; and

WHEREAS, A Resolution of this House, contemplating the preparation of a memorial to Congress asking such appropriation, was referred to a Select Committee, and an adverse report made on the ground of want of time; and

WHEREAS, It is now ascertained that Congress is expecting to receive from this body some expression of the wishes of the people of Kansas in regard to an appropriation; therefore,

Be it resolved, By the House of Representatives, (the Council concurring,) That a Joint Committee be appointed to memorialize Congress for an appropriation for the purpose of supplying the people of Kansas with wheat and other seeds for spring planting, who shall prepare such memorial as soon as practicable, and that the President and Secretary of the Council, and Speaker and Chief Clerk of the House, be authorized and directed to sign and attest the same after the adjournment of this body, and send a copy to the President of the Senate, and one to the Speaker of the House of Representatives of the National Congress.

On motion of Mr. Benton,

The Council concurred in the resolution memorializing Congress relative to procuring seed wheat, corn, &c.

Committee—Messrs. Stewart, Palmer and Benton.

House Bill No. 224, entitled "An Act divorcing Susan E. Marquette and Stephen M. Marquette," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Elder, Keeler, Lambdin, Thomas, Woodward, Mr. President—6.

Nays—Messrs. Benton, Palmer, Price, Stewart—4.

And so the Bill passed.

The title was agreed to.

Mr. Elder, from Select Committee to confer with the Gover-

nor about the adjournment of both Houses, submitted the following report:

The Joint Committee on the part of the Council, who were appointed in pursuance of the Concurrent Resolution of the two Houses to wait on the Governor and confer with him about the adjournment of the two Houses, and of the pay of members, ask leave to report that they have attended to that duty, and learn that the Secretary of the Territory will pay the members their *per diem* until the 30th ult., and that he will not pay since that time until he has further instructions from the Department; but that the two Houses could adjourn at their pleasure, and the Governor would so recognize them. All of which is respectfully submitted.

P. P. ELDER.
M. R. BENTON.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed Council Bill No. 93, "An Act divorcing Joseph L. Loring and Seraphina Martnes Loring;"

House Bill 153, "An Act to amend an Act to incorporate and establish the city of Leavenworth," &c.:

House Bill No. 14, "An Act to legalize certain official acts of Notaries Public;"

House Bill 174, "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott," enacted February 11th, A. D. 1858;

House Bill No. 114, "An Act to establish a ferry across the Kansas river;"

House Bill No. 147, "An Act divorcing Wm. A. Baldwin and Julia S. Baldwin;"

House Bill No. 107, "An Act to legalize certain official acts of T. Elwood Smith;"

House Bill No. 73, "An Act to incorporate the Farmers' and Mechanics' Educational Association, of Bloomington, Douglas County, Kansas Territory;"

House Bill No. 117, "An Act to incorporate the Geneva Town Company;"

House Bill No. 56, "An Act to permanently locate the county seat of Washington county;"

House Bill No. 173, "An Act to incorporate the Lawrence Ferry Company;"

House Bill No. 4, "An Act to incorporate the Havana City Company;"

House Bill No. 151, "An Act establishing a branch department of Baker University, by the Kansas Association of the Methodist Episcopal Church," approved February 3, 1858;

House Bill No. 123, "An Act to amend an Act entitled 'An Act to incorporate the White Cloud City Company,' passed 1858, and the amendments to said Act, and to legalize certain acts therein named;"

House Bill No. 36, "An Act divorcing Clark W. Lewis and Sarah Lewis;"

House Bill No. 35, "An Act divorcing Anson B. Spinney and Margaret Jane Spinney;"

House Bill No. 82, "An Act to incorporate the Episcopal Female Seminary of Topeka;"

House Bill No. 29, "An Act divorcing Marcus Mallory and Angeline Mallory;" by the constitutional majority, the objections of the Governor to the contrary notwithstanding, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Mr. Stewart, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have this day presented Council Bill 93, "An Act divorcing Joseph G. Loring and Seraphina M. Loring," to the the Governor;

Also, have examined Council Bill 66, "An Act divorcing Richard Willoughby and Sophronia Willoughby," and have this day presented the same to the Governor.

WATSON STEWART, Ch.

House Bill 145, entitled "An Act to incorporate the Mapleton Academy," was

Read first and second times.

Mr. Stewart moved to insert "one hundred" before the word "thousand," in second section.

Agreed to.

The Bill was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Palmer, Price, Stewart, Thomas, Mr. President—10.

Nays—none.

And so the Bill passed.

The title was agreed to.

Council Joint Resolution No. 2 was taken up.

The question being on the adoption of the substitute offered by Mr. Elder to Council Joint Resolution No. 2,

On motion of Mr. Elder,

The further consideration of the subject was postponed.

On motion of Mr. Elder,

The Council proceeded to consider bills returned by the Governor.

House Bill 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery," was

Reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—9.

Nays—Mr. Hendry—1.

And so the Bill passed.

House Bill No. 123, entitled "An Act to amend an Act to incorporate the White Cloud City Company, passed 1858, and the amendments of said Acts, and to legalize certain acts therein named," was

Reconsidered.

The question being "Shall the bill pass, the signature of the Governor not being thereto subscribed, the objections of the Gov-

ernor to the contrary notwithstanding, the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas—9.

Nays—none.

And so the Bill passed.

House Bill No. 36, entitled "An Act divorcing Clark W. Lewis and Sarah Lewis," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Keeler, Lambdin, Price, Thomas, Woodward—7.

Nays—none.

And so the Bill passed.

House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Jane Spinney," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Price, Stewart, Thomas, Woodward—9.

Nays—Mr. Palmer.

And so the Bill passed.

House Bill No. 174, entitled "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott, approved February 11th, 1858," was reconsidered.

The question being "Shall the Bill pass, the signature of the

Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Thomas, Woodward—8.

Nays—Messrs. Benton, Christison, Price—3.

And so the Bill passed.

House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Thomas, Woodward—8.

Nays—Benton, Christison, Price—3.

And so the Bill passed.

House Blll No. 14, entitled "An Act in addition to An Act entitled 'An Act respecting Notaries Public,'" was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward,—11.

Nays—none.

And so the Bill passed.

House Bill No. 153, entitled "An Act to amend an Act to incorporate and establish the City of Leavenworth;" also, to amend An Act amendatory of said Act, approved February 27th, 1860," was reconsidered.

The question being "Shall the Bill pass the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—11.

Nays—none.

And so the Bill passed.

House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—10.

Nays—none.

And so the Bill passed.

House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—10.

Nays—none.

And so the Bill passed.

House Bill No. 154, entitled "An Act to establish and charter a Ferry across the Missouri river, at the city of Wyandott," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—11.

Nays—none.

And so the Bill passed.

House Bill No. 56, entitled "An Act to permanently locate the County Seat of Washington county," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Palmer, Price, Stewart, Thomas, Woodward—10.

Nays—none.

And so the Bill passed.

House Bill No. 147, entitled "An Act divorcing William A. Baldwin and Julia S. Baldwin," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Price, Stewart, Thomas, Woodward—8.

Nays—Mr. Palmer.

And so the Bill passed.

House Bill No. 82, entitled ——— was reconsidered.

The question being "Shall the Bill pass, the signature of

the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward—11.

Nays—none.

And so the Bill passed.

House Bill No. 173, entitled "An Act incorporating the Lawrence Ferry Company," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Keeler, Lambdin, Palmer, Stewart, Woodward—7.

Nays—Messrs. Benton, Christison, Mathias, Price, Thomas—5.

And so the Bill was lost.

House Bill No. 4, entitled "An Act to incorporate the Havanna City Company," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward—8.

Nays—none.

And so the Bill passed.

Mr. Price moved that the Council non-concur in the House Concurrent Resolution relative to the adjournment of the two Houses.

Mr. Mathias moved, as an amendment, to strike out "six" and insert "eleven P. M."

Mr. Elder moved that Concurrent Resolution be so amended as to read "Monday, at 10 o'clock."

Lost.

Mr. Mathias motion was lost.

The question recurring on the motion of Mr. Price to non-concur, it was adopted.

On motion of Mr. Price,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

SEVEN O'CLOCK.

Council convened.

President in the Chair.

Roll called, and

Quorum present.

House Bill No. 157, entitled "An Act divorcing Joseph McDonald and Eleanor McDonald," was

Read first, second and third times.

The question being "Shall the bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Keeler, Mathias, Price, Thomas, Mr. President—6.

Nays—Messrs. Elder, Hendry, Palmer, Stewart—4.

And so the Bill passed.

The title was agreed to.

Mr. Price, on leave, introduced Council Bill No. 104, entitled "An Act legalizing a certain election," which was

Read first, secoud and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Keeler, Palmer, Price, Stewart, Thomas.

Nays—Messrs. Christison and Mathias.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Benton,

The vote by which House Bill No. 173 was lost, was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Elder, Hendry, Lambdin, Palmer, Stewart, Thomas, Woodward—8.

Nays—Messrs. Christison, Price—2.

And so the Bill passed.

The title was agreed to.

Council Bill No. 105, entitled "An Act divorcing David P. Metcalf and B. Emily Metcalf," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Price, Woodward, Mr. President—7.

Nays—Messrs. Elder, Stewart—2.

And so the Bill passed.

The title was agreed to.

House Bill No. 140, entitled "An Act concerning roads in Osage and Breckinridge counties," was

Read first and second times, and,

On motion of Mr. Mathias, was

Referred to a Select Committee, consisting of Messrs. Benton, Mathias and Lambdin.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify your honorable body that the House of Representatives have passed House Bill No. 135, "An Act to incorporate the Eudora Seminary Association;"
House Bill 224, "An Act divorcing Susan E. Marquette and Stephen Marquette;"
House Bill No. 24, "An Act to incorporate the city of Marysville;"
House Bill No. 159 "An Act to establish a Territorial road," by the constitutional majority, the objections of the Governor to the contrary notwithstanding, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

House Bill No. 224, entitled "An Act divorcing Susan E. Marquette and Stephen M. Marquette," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objection of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Thomas, Woodward—7.

Nays—none.

And so the Bill passed.

House Bill No. 159, entitled "An Act to establish a Territorial road;" was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Thomas, Woodward, Mr. President—9.

Nays—none.

And so the Bill passed.

Mr. Mathias, from Select Committee on House Bill No. 140, submitted the following report:

MR. PRESIDENT:—Your Select Committee, to whom was referred House Bill No. 140, "An Act concerning Roads in Osage and Breckinridge counties," report the Bill back without recommendation.

WM. G. MATHIAS, Ch'n.
M. R. BENTON.

House Bill No. 140, entitled "An Act concerning Roads in Osage and Breckinridge counties," was

Laid upon the table.

Mr. Hendry moved a reconsideration of the vote by which House Bill No. 222 was indefinitely postponed.

Carried.

The question being on the final passage of the Bill, the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Hendry, Keeler, Mathias, Palmer, Thomas, Woodward—8.

Nays—Messrs. Elder, Stewart, Mr. President—3.

And so the Bill passed.

Mr. Elder offered the following resolution, which was adopted:

Resolved, By the Council, (the House concurring therein,) That the two Houses of the Legislative Assembly of the State of Kansas, will adjourn, *sine die*, this evening, the second day of February, at ten o'clock P. M.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have refused to concur in the Council

amendments to House Bill No. 206, "An Act to legalize certain acts of the Sheriffs of Leavenworth and Marshall counties.

ALFRED GRAY,
Chief Clerk.

House Bill No. 24, entitled "An Act to incorporate the city of Marysville," was reconsidered.

The question being "Shall the Bill pass, notwithstanding the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Christison, Elder, Hendry, Keeler, Palmer, Stewart, Woodward, Mr. President—8.

Nays—Messrs. Benton, Mathias—2.

And so the Bill passed.

House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Stewart, Woodward, Mr. President—7.

Nays—Mr. Thomas.

And so the Bill passed.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed the following Concurrent Resolution, and request your concurrence:

Resolved, By the House of Representatives (the Council concurring) that a Committee of five be appointed on the part of the House, to meet a similar Committee of the Council, to confer on the subject of a final adjournment of the Legislative Assembly;

Also, the following Concurrent Resolution, and request your concurrence.

ALFRED GRAY,
Chief Clerk.

Resolved, By the House of Representatives (and the Council concurring) That the following sums be and the same are hereby appropriated for the objects therein named:

For the pay of the Treasurer and Auditor of the Territory, each sixteen hundred dollars; the Superintendent of Public Instruction, seventeen hundred dollars; for their respective salaries and office rent.

For the salary and office rent of the Territorial Librarian, two hundred dollars;

Provided, That the foregoing officers shall receive only such proportion of the above appropriation as shall be sufficient to compensate them for their time actually transpiring, while they shall continue to exercise the functions of their respective offices during the year, A. D. 1861.

And for the payment of outstanding scrip, all certificates of indebtedness, issued by the officers of either branch of the Legislative Assembly for the years 1858, '59 and '60. The sum of fifty dollars each, to the Rev. Charles Reynolds and Rev. R. Cordley, for services in opening the sessions of this House with prayer.

The further sum of fifty dollars to Rev. Charles Reynolds, for services as chaplain of the Council for the present session; and five hundred dollars for the Territorial Auditor for extra services in closing up the business of his office; and the sum of four hundred and fifty dollars for the payment of expenses and services of the Territorial Board of Equalization for the year 1860; and for extra pay for the Sergeant-at-Arms and Doorkeepers of the two Houses for per diem, that may remain unpaid by the general government on the 4th of March next, at the rate of seven dollars per day; and for extra services of the Sergeant-at-Arms and his assistants in the service of the Investigating Committee, summoning witnesses, &c., and for other expenses connected with the investigation of bonds and warrants founded upon claims, one thousand dollars or so much thereof as may be found necessary, for the purpose aforesaid; the amount allowed to each person, to be ascertained and determined by the presiding officers of the two Houses. And the Auditor of the Territory is hereby required to audit and draw his warrants on the Treasurer, for such sums as may be found to be due under the provisions of the foregoing resolution and the laws therein referred to account, for the per diem of the members and officers of the present Legislative Assembly not paid by the General Government, to be certified by the presiding officers of the respective Houses, attested by the Chief Clerks. All claims growing out of Legislative expenses for the present session, to be attested by the Speaker of the House or the President of the Council, which shall be a sufficient voucher for the Auditor to issue his warrant therefor.

Mr. Palmer moved that the Council recede from its amendments to House Bill No. 206.

Carried.

Mr. Mathias, on leave, introduced Council Bill No. 106, entitled "An Act appropriating one thousand dollars for the members and officers of the Legislative Assembly of the Territory of Kansas," which was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Mathias, Palmer, Price, Stewart, Thomas, Woodward—11.

Nays—Mr. President.

And so the Bill passed.

The title was agreed to.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed Council Bill No. 101, "An Act divorcing Rebecca S. Smith and Geo. B. Smith;" Council Bill No. 104, "An Act legalizing certain elections."

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Elder,

Concurrent Resolution, asking certain appropriations, was

Referred to Select Committee consisting of Messrs. Elder, Mathias and Hendry.

On motion of Mr. Keeler,

The Council took a recess of twenty minutes.

The time of recess having expired,

The Council called to order by the President.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed the following Concurrent Resolution, and request your concurrence;

Also, House Bill No. 56, "An Act to permanently locate the county seat of Washington county;"

Council Bill No. 8, "An Act regulating the fees of officers, jurors and witnesses, and for other purposes;" by the constitutional majority, the objections of the Governor notwithstanding;

Also, Council Bill No. 60, An Act for the organization, supervision and maintenance of Common Schools,"

Also, have concurred in Concurrent Resolution of Council relative to adjournment at 11 o'clock P. M.

ALFRED GRAY,
Chief Clerk.

WHEREAS, The early settlers of the Territory of Kansas suffered unusual hardships and great losses of property, in consequence of the existence of the political troubles which prevailed so generally in their early history; and

WHEREAS, We believe that those who suffered in consequence of those difficulties are justly entitled to remuneration therefor, from the general government, and not from the citizens of the Territory; therefore,

Be it Resolved, by the Legislative Assembly of the Territory of Kansas, That we hereby memorialize the Congress of the United States to pass an Act appropriating five hundred thousand dollars, or an amount sufficient for the payment of the claims awarded to the citizens of Kansas by the Claim Commissioners appointed by the Governor and Legislative Assembly of Kansas, under Acts of the Territorial Legislature passed February 7th, A. D. 1859, and, also, the claims awarded by the Commission under an Act of the Territorial Legislature approved February 11th, 1859, which were not awarded by the Commissioners under the Act of Feb. 7, A. D. 1859.

On motion of Mr. Hendry,

The Joint Resolution and Memorial to Congress in relation to an appropriation, was taken up and

Adopted.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 2d, 1861.

To the Council:

I herewith return Council Bill No. 26, without my approval,

for the same reasons set forth in other communications to your body of this date.

G. M. BEEBE.

Council Bill No. 26, "An Act divorcing John Van Delft and Laura Van Delft," was

Reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Price, Thomas, Woodward, Mr. President—10.

Nays—none.

And so the Bill passed.

Mr. Elder, from select committee, submitted the following report:

The Select Committee to whom was referred the Concurrent Resolution of the House of Representatives, appropriating certain moneys for paying certain officers, &c., have had the same under consideration, and ask leave to report the Resolution back, and recommend its indefinite postponement.

Your Committee find large sums of money, to the amount of $18,200, appropriated for purposes, which, in some instances, should not be paid, and larger sums for salaries which are not allowed by law, and for services which the public have but little interest in having performed.

Your Committee are fully satisfied that appropriations made at the close of the session of a Legislature, when but little attention is paid to the justice, merit or correctness of the appropriations or the claims, are dangerous, and calculated to accumulate an unwarrantable debt on the people of this State.

P. P. ELDER.
WM. G. MATHIAS.
JAMES M. HENDRY.

The report was agreed to.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the

House of Representatives have appointed a Committee of three, consisting of Messrs. Cook, Deitzler, Fairchild, Bowker and Guthrie, to wait upon his Excellency, Governor Beebe, and inform him that the Legislative Assembly is ready to adjourn, and inquire whether he has any further communication to make, and request that there shall be a similar Committee appointed on the part of the Council.

ALFRED GRAY,
Chief Clerk.

On motion of Mr. Benton,

The Council concurred.

Committee on part of the Council—Messrs. Benton, Mathias and Thomas.

On motion of Mr. Price,

The Council took a recess of one hour.

The time of recess having expired,

The Council was called to order by the President.

On motion of Mr. Price,

The vote by which House Concurrent Resolution, making appropriations, was indefinitely postponed, was

Reconsidered.

Mr. Price moved to amend, by striking out that part relating to paying expenses of the Leavenworth Constitutional Convention.

Carried.

Mr. Hendry moved to amend, by striking out "sixteen" where it relates to the Treasurer, and insert "eight."

Lost.

Mr. Hendry moved to amend, by striking out "five hundred dollars," as extra compensation to the Auditor.

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Elder, Hendry, Lambdin, Stewart, Thomas, Mr. President—6.

Nays—Messrs. Christison, Keeler, Mathias, Palmer, Price, Woodward—6.

And so the motion was lost.

The question being on the adoption of the resolution as amended, and

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Mathias, Palmer, Price, Woodward—6.

Nays—Messrs. Elder, Hendry, Lambdin, Stewart, Thomas, Mr. President—6.

And so the resolution was lost.

Mr. Thomas moved a reconsideration of the vote by which the resolution was lost, and

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Mathias, Palmer, Price, Thomas, Woodward—7.

Nays—Messrs. Elder, Hendry, Lambdin, Mr. President—4.

And so the motion prevailed.

The question being on the adoption of the resolution, and

The yeas and nays being demanded, the vote resulted as follows:

Yeas—Messrs. Christison, Keeler, Mathias, Palmer, Price, Thomas, Woodward—7.

Nays—Messrs. Elder, Hendry, Lambdin, Stewart, Mr. President—5.

And so the resolution was adopted.

Message from the House of Representatives:

MR. PRESIDENT:—I am directed to notify the Council that the House of Representatives have passed Council Bill No. 94, "An Act to extend the time for the payment of the taxes of 1860, in Douglas county;"

House Bill No. 127, "An Act to incorporate the New York Mining and Tunneling Company;"

House Bill No. 157, "An Act divorcing Joseph McDonald and Eleanor McDonald;"

Council Bill No. 26, "An Act divorcing John Van Delft and Laura Van Delft;"

House Bill No. 206, "An Act to legalize certain acts of the Sheriffs of Leavenworth and Marshall counties," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

ALFRED GRAY,
Chief Clerk.

Mr. Hendry moved to adjourn.

Lost.

Mr. Lambdin offered the following resolution, which was adopted:

Resolved, That the sum of fifty dollars be allowed to J. K. Lambdin, for extra service as Journal Clerk of the Council.

Mr. Benton, from Committee to wait upon his Excellency the Governor, to inform him that the two Houses are ready to adjoourn, reported that they had performed that duty, and that he would communicate to the two houses, in Joint Session, at their convenience.

Mr. Price moved to take up Bills which had been received from the House.

House Bill No. 206, entitled "An Act legalizing certain acts of certain sheriffs," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—11.

Nays—none.

And so the Bill passed.

House Bill No. 127, entitled "An Act to incorporate the New York Mining and Tunnelling Company," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Keeler, Lambdin, Mathias, Palmer, Price, Stewart, Thomas, Woodward, Mr. President—12.

Nays—none.

And so the Bill passed.

Committee of the House invited the Council to meet the House in Joint Session to hear the Valedictory of the Governor.

On motion of Mr. Keeler,

The Council accepted the invitation.

House Bill No. 157, entitled "An Act divorcing Joseph McDonald and Eleanor McDonald," was reconsidered.

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Keeler, Lambdin, Price, Thomas, Woodward, Mr. President—8.

Nays—Mr. Elder.

And so the Bill passed.

Council Bill No. 4, "An Act to incorporate the Springdale Town Company," was reconsidered,

The question being "Shall the Bill pass, the signature of the Governor not being thereto subscribed, the objections of the

Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—Messrs. Benton, Christison, Elder, Hendry, Keeler, Lambdin, Price, Stewart, Thomas, Woodward—10.

Nays—Mr. Mathias.

And so the Bill passed.

On motion of Mr. Stewart,

Council adjourned to meet the House in Joint Session.

The Joint Session being concluded, the Council reassembled, and,

On motion of Mr. Mathias,

The President was authorized to approve the Journal of to-day's proceedings.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 2, 1861.

To the Council:

I herewith return to the House in which it originated, Council Bill No. 101, without my approval.

My objection to the forgoing Bill is the same as given in my communication of this A. M.

Respectfully,
G. M. BEEBE.

On motion of Mr. Mathias,

The Council adjourned *sine die*.

W. W. UPDEGRAFF,
President of the Council.

JOHN J. INGALLS,
Secretary.

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